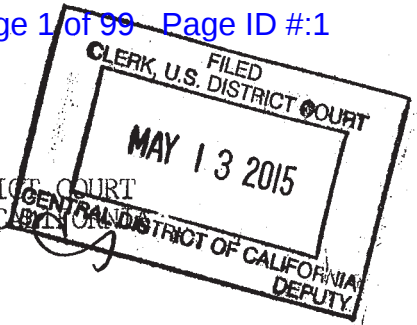


Daniel Cohen AT4058
 CALIFORNIA INSTITUTION FOR MEN
 PO BOX 600
 CHINO, CA 91708-0600

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA



Daniel Cohen (plaintiff)

v.

(defendants)

CV15-3576 RSWL AGR

CIVIL ACTION NO.

Los Angeles County et.al. , Los Angeles County Sheriffs Department, Los Angeles County Medical Services Bureau, Lee Baca, Terri McDonald, David Fender, Kelley Fraser, Ray Leyva, Ralph Ornelas, Karen Dalton, Kevin Kuykendall, Paul Tanaka, Officer Ortiz, Officer Shah, Nurse Practitioner Malone, Does 1-101,

COMPLAINT AND DEMAND FOR
 JURY TRIAL

TITLE 42 U.S.C.§1983

I. JURISDICTION & VENUE

1. Plaintiff alleges, This civil action is authorized by title 42 U.S.C.§1983 to redress the deprivation under color of state law, of rights secured by the constitution of the united states, This court has jurisdiction under 28 U.S.C. §1331 and §1343 (a)(3) plaintiff seeks seeks declatory relief pursuant to 28 U.S.C. §2201 and §2202, plaintiffs claims for injunctive relief are authorized by 28 U.S.C. §2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure, plaintiff also submits state law claims under 28 U.S.C.§1367(a) for actions that have arisen for the same circumstances or events as the constitution violations,

2. The CENTRAL DISTRICT OF CALIFORNIA is an appropriate venue under 28 U.S.C.§ 1391(b)(2) because it is where the events giving rise to this claim occurred.

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

3. On or about 05/20/13 plaintiff filed three (3) Los Angeles County Jail forms for grievance and never received any reply. On or about 10/17/14 plaintiff was able to file three (3) Los Angeles County claim forms for damages, On or about 01/06/15 plaintiff submitted three (3) amended claims and attached application for leave to submit a late claim, On or about 11/14/14 plaintiffs claims were denied and on or about 2/13/15 plaintiff received notice that plaintiff had until 05/14/15 to file legal action in court, on or about 03/15/15 plaintiff submitted notice of hearing and petition for relief from claims procedure,

1 4. plaintiff has a hearing date of 06/25/15 and asks the court to allow this
2 complaint to be submitted prior to the deadline of 05/14/15 and consider the
3 plaintiffs administrative remedies fully exhausted.

4 5. plaintiff has been diligent in his efforts to exhaust his remedies prior to
5 bringing this action in court. plaintiff has good standing for relief of the
6 claim requirement. plaintiff anticipates to be fully relieved on 06/25/15.

7 III. PARTIES

8 6. plaintiff , Daniel Cohen, is and was at all times mentioned herein a prisoner
9 of Los Angeles County Jail and California Department of Corrections and Rehabil
10 itation. He is currently confined in CALIFORNIA INSTITUTION FOR MEN in the city
11 of CHINO, CALIFORNIA.

12 7. defendant Los Angeles County et.al. is a municipality that employs final poli
13 cy makers for Los Angeles County Sheriff's Dept. , Los Angeles County Medical
14 Services Bureau , Los Angeles County Jail and is sued in their official and ind
15 ividual capacity.

16 8. defendant Lee Baca is and was at all times mentioned herein the sheriff of
17 Los Angeles County Sheriff's Dept. and a policy maker for Los Angeles County
18 Jail, and is sued in their official and individual capacity.

19 9. defendant Terri McDonald is and was at all times mentioned herein the assist
20 ant sheriff for the custody operations and a policy maker for Los Angeles County
21 Jail, and is sued in their official and individual capacity.

22 10. defendant David L. fender is and was at all times mentioned herein a chief
23 of Los Angeles County Sheriff's Dept. and Medical Services Bureau, and is sued
24 in their official and individual capacity.

25 11. defendant Kelley S. Fraser is and was at all times mentioned herein a comma
26 nder of Los Angeles County Sheriff's Dept. and Medical Services Bureau, and is
27 sued in their official and individual capacity.

1 12. defendant Ray Leyva is and was at all times mentioned herein a commander
2 for Los Angeles County Sheriff's Dept. and Medical Services Bureau, and is sued
3 in their official and individual capacity.

4 13. defendant Ralph G. Ornelas is and was at all times mentioned herein a comm
5 ander of Los Angeles County Sheriff's Dept. and Medical Services Bureau, and is
6 sued in their official and individual capacity.

7 14. defendant Karen S. Dalton is and was at all times mentioned herein a Assis
8 tant Division Director for Los Angeles County Sheriff's Dept. and Medical Serv
9 icies Bureau, and is sued in their official and individual capacity.

10 15. defendant Kevin R. Kuykendall is and was at all times mentioned herein a
11 captain for Los Angeles County Sheriff's Dept. and Medical Services Bureau,
12 and is sued in their official and individual capacity.

13 16. defendant Paul Tanaka is and was at all times mentioned herein the under
14 sheriff for Los Angeles County Sheriff's Dept. , and is sued in their official
15 and individual capacity.

16 17. defendant Officer Ortiz is and was at all times mentioned herein a deputy
17 for Los Angeles County Sheriff's Dept. , and is sued in their individual capa
18 city.

19 18. defendant Officer Shah is and was at all times mentioned herein a deputy
20 for Los Angeles County Sheriff's Dept. , and is sued in their individual capa
21 city.

22 19. defendant Nurse Practitioner Malone is and was at all times mentioned
23 herein a Nurse Practitioner for Los Angeles County Medical Services Bureau
24 and is sued in their individual capacity.

25 20. Defendants Doe 1-101 is and was at all times mentioned herein , some perso
26 ns whom plaintiff is ignorant of their names, titles, and positions, however,
27 upon belief and information are associated and included in this action. and
28 are somehow liable or responsible for the events and circumstances alleged herein,

1 21. plaintiff will amend this complaint at a later time to include the true names and
2 title, and positions of Defendant Does 1-101.

3 22. At all times mentioned herein all defendants acted while under the color of state
4 law

5 IV. FACTS

6 23. On or about 01/28/13 plaintiff was arrested by Los Angeles County Sheriff's Dept.

7 24. when plaintiff was taken into custody, plaintiff was denied access to his glasses
8 and contact lenses.

9 24. Without corrective lenses plaintiff is legally blind.

10 25. On or about 02/01/13 plaintiff was transferred to Los Angeles County Jail, TTCF
11 450 Bauchet st. Los Angeles, CA 90012.

12 26. upon arrival plaintiff was processed through the inmate reception center (IRC)

13 27. during the intake process plaintiff was medically evaluated by Doctor Doe 1.

14 28. during consultation with Doctor Doe 1 plaintiff explained that he was extremely
15 nearsighted and was without glasses, and told Doctor Doe 1 "I am vision impaired".

16 29. plaintiff then asked Doctor Doe 1 for his assistance with plaintiff's vision impair
17 ment , plaintiff said "can you help me get glasses" and "I will need some help to see".

18 30. Doctor Doe 1 replied "there is nothing we can do for you" and "your friends or fam
19 ily must provide glasses for you".

20 31. plaintiff replied "I have no friends or family to assist me, so those options will
21 not work for me".

22 32. plaintiff then explained to Doctor Doe 1 that he was unable to walk around and nav
23 igate on his own safely, plaintiff said "I can't even walk around on my own safely".

24 33. plaintiff tried to get Doctor Doe 1 to recognize the seriousness of plaintiff's
25 disability, plaintiff said "I feel unsafe here not being able to see".

26 34. Doctor Doe 1 ended the consultation by saying "I have other inmates to see, im sor
27 ry, but I cannot help you".

35. at the end of plaintiff's medical evaluation and consultation with Doctor Doe 1
no action was taken and no assistance was provided to plaintiff for his vision impairment disability, although several methods of assistance were available.

36. beginning on or about 02/02/13 through 02/12/13 plaintiff suffered several injuries such as scrapes, scratches, and bruises due to constantly falling down, tripping and running into obstacles that plaintiff could not clearly see in his environment.

37. on or about 02/08/13 plaintiff was transferred to Los Angeles County Jail NCCF 29300 The Old Road , Castaic, CA 91384.

38. upon belief and information, Los Angeles County Jail NCCF is a jail facility that is designated for general population inmates, and medical and disability services are unavailable or extremely limited at this facility.

39. on or about 02/12/13 plaintiff was living in a dorm within the 700 area of the building known as supermax, when a fight began in plaintiff's dorm.

40. approximately ten (10) Los Angeles County Sheriff's department officers responded to the fighting, then intervened and removed those inmate involved in fighting.

41. the responding officers then removed all of the remaining inmates from the dorm and transferred the inmates to another room to perform a group strip search.

42. plaintiff was the very last inmate to approach the dorms entrance/exit door because the plaintiff's vision was impaired, therefore plaintiff was forced to move slowly and cautiously while walking alone.

43. upon exiting the dorm area the plaintiff was immediately bombarded by multiple shouting officers saying "hey hurry the fuck up" and "lets go, lets go move it".

44. plaintiff was then taken by his arms by two officers and shoved into a large room with all the other inmates.

45. the leading officer of the strip search began to speak and ordered all the inmates to remove their clothing.

46. plaintiff then began to remove his clothing and strip down naked.

47. the leading officer began to give instructions, some of the instructions were not clearly understood by the plaintiff because the leading officer used several hand gestures and visual cues that the plaintiff was unable to see, he used terms such as "do this with your hands" and "go like this with your uniform" which were too vague.

48. plaintiff continued to perform the instructions to the best of his ability, although plaintiff was confused as to what to do.

49. then officer ortiz approached plaintiff and singled him out for moving incorrectly and slowly. Officer Ortiz began to shout at plaintiff "move faster" plaintiff then replied "im trying"

50. Officer Ortiz then walked away from plaintiff and began to shout at other inmates

51. approximately one to two minutes later Officer Ortiz returns to plaintiff and sees plaintiff is still falling behind the other inmates. Officer Ortiz then says "hey I told you to hurry the fuck up" .

52. Officer Ortiz then takes plaintiff's left arm and twists it up behind plaintiff's back causing pain in plaintiff's left shoulder.

53. officer Ortiz then pushes plaintiff towards the door and tells the other officers "this one is not cooperating" and plaintiff is pushed into the hallway area.

54. Officer Ortiz then handcuffed plaintiff and forced plaintiff to sit on the ground

55. plaintiff then tried to explain to officer ortiz that he could not see properly, plaintiff said "I am legally blind" and "I need glasses" and "Im sorry I was trying to do the best I can".

56. Officer Ortiz upon belief and information thought plaintiff was lying and refused to believe plaintiff, Officer Ortiz then became loud and angry and said "do you think im stupid" and "you want to fuck with me" and "your going to the hole" and "we will see how tough you are then" plaintiff tried to object but was told "shut up"

57. plaintiff was then transferred into the custody of officer Doe 2 and Doe 3 .

1 58. officers Doe 2 and Doe 3 then removed the handcuffs from plaintiff and told
2 plaintiff "Don't move or we will take you out"

3 59. plaintiff was given a blue inmate uniform and told to get dressed.

4 60. plaintiff tried to explain to officers Doe 2 and Doe 3 that this was all a big
5 mistake and that plaintiff didn't intend to do anything wrong. plaintiff said
6 "I am legally blind,I cant see well" and "I didnt understand the lead officer"
7 and "please listen to me".

8 61. officers Doe 2 and Doe 3 told the plaintiff "shut up" and "be quiet" and
9 "we dont give a shit" and "your going to the hole cuz ortiz said so".

10 62. upon belief and information officer ortiz had told officers doe 2 and doe 3
11 to take the plaintiff to the hole and intended to place plaintiff with a agressive
12 inmate who is known for violence, to teach plaintiff a lesson.

13 63. Officers Doe 2 and Doe 3 then placed plaintiff into a large holding room with
14 approximately three or four other inmates waiting to be taken to the disciplinary
15 area of the jail.

16 64. Approximately thiry mionutes later Officers Doe 4 and Doe 5 then arrived and
17 escorted plaintiff and additional inmates to the disciplinary area of supermax
18 this area is known as 900 max.

19 65. while being escorted plaintiff made several attempts to explain to officers
20 doe 4 and doe 5 that this was a mistake and disciplinary action is unjustified.

21 66. plaintiff was told "shut up" several times and "no talking" several times.

22 67. plaintiff continued to try to explain, plaintiff said "I need to talk to you
23 , I am legally blind" and "this is a mistake".

24 68. Officers doe 4 and doe 5 refused to listen, and ignored or avoided the state
25 ments of the plaintiff regarding plaintiffs vision impairment disability. upon
26 belief and information officers doe 4 and doe 5 had been instructed to ignore
27 the plaintiff because he was lieing about his vision impairment and plaintiff
28 was to be taken to the hole no matter what he said and placed with a violent and

1 dangerous inmate so plaintiff could be taught a lesson.

2 69. upon arrival at the disciplinary area 900 max , plaintiff was transferred into
3 the custody of Officers Doe 6 and Doe 7.

4 70. plaintiff was told to remove his blue inmate uniform and put on a blue and ora
5 nge uniform by officers doe 6 and doe 7.

6 71. while plaintiff was getting changed plaintiff overheard officers doe 4 and doe5
7 laughing and saying "I can't see, I can't see, I'm blind, hahaha" and "what an idi
8 ot, ortiz called it so oh well".

9 72. plaintiff then tried to explain to officers doe 6 and doe 7 that plaintiff was
10 vision impaired, plaintiff said "I can't see, im legally blind".

11 73. plaintiff was ignored and escorted up a set of stairs and to a cell door.

12 74. plaintiff then tried again to explain his vision impairment to officers doe 6
13 and doe 7, plaintiff said "wait I can't see properly" , one officer then said
14 " shut up and get inside the sell" then plaintiff entered the cell.

15 75. officers doe 6 and doe 7 would not listen to plaintiff, and intentionally igno
16 red or avoided plaintiff's statements regarding his vision impairment.

17 76. On or about 02/14/13 plaintiff was attacked by the inmate in his cell.

18 77. plaintiff was struck several times in the face and eyes, plaintiff then called
19 for help. "help,help".

20 78. Officers doe 8 and doe 9 responded to plaintiffs cell, then stood outside the
21 cell with the door closed and hesitated to open the door.

22 79. plaintiff was then struck several more times in the eyes and face and head
23 while officers doe 8 and doe 9 watched and listened to plaintiff call for help.

24 80. plaintiff could hear officers doe 8 and doe 9 laughing at plaintiff being beat
25 en , plaintiff heard officers doe 8 and doe 9 say "ouch, thats gotta hurt" , "yup"

26 81. after approximately 10 minutes officers doe 8 and doe 9 opened the cell door
27 and intervened in the attack upon plaintiff.

28 82. plaintiff was then taken to medical and treated by nurse doe 10 for swelling

1 83. plaintiff was returned to the disciplinary unit and placed in the hole alone.

2 84. on or about 02/21/13 plaintiff was transferred to Los Angeles County Jail MCJ
3 441 Bauchet st. Los Angeles, CA 90012

4 85. on or about 03/1/13 plaintiff was selected to be released without treatment
5 or services for injuries that were undiagnosed and without visual aids or assist
6 ance devices, for persons with vision impairments, although several methods of
7 treatment or services were available and several equipment options were available

8 86. upon release plaintiff was instructed to report to a work release location
9 and perform labor activities for approximately 14 days.

10 87. plaintiff was often lost and was unable to navigate by himself through streets

11 88. plaintiff was able to get help from a stranger who gave him a ride to whittier

12 89. plaintiff reported to the work release location late and was scolded by the
13 work release instructor.

14 90. plaintiff reported to work release duty for approximately 4 days and slept on
15 the streets nearby in between because he was afraid to go too far away .

16 91. on or about the 5th day plaintiff was lost and unable to report to work release

17 92. plaintiff contacted the phone number for work release and explained he was lo
18 st and had a vision impairment and was unable to report for duty.

19 93. plaintiff was arrested on or about 03/15/13 for not reporting to work release

20 94. plaintiff was release again on or about 04/01/13 without any aids or assistance

21 95. for approximately 30 days plaintiff was unable to function or perform several
22 basic tasks and stayed with people or on the streets often lost and helpless.

23 96. On or about 05/12/13 plaintiff was taken into custody by west covina police
24 for stealing money to buy glasses.

25 97. on about 05/13/13 plaintiff was transferred to Los Angeles County Jail, TCF
26 450 Bauchet St. Los Angeles , CA 90012.

27 98. upon arrival plaintiff was processed through the inmate reception center (IRC)

28 99. during the intake process plaintiff was medically evaluated by Doctor Doe 12

1 100. during consultation with Doctor Doe 12 plaintiff explained that he was very
2 near sighted and vision impaired , plaintiff said "Im legally blind".

3 101. plaintiff then asked Doctor Doe 12 for his assistance with his vision impair
4 ment, plaintiff said " can you help me get glasses or something?" and "I cant see"

5 102. Doctor Doe 12 replied "No there is nothing we can do for you" and "your frie
6 nds and family must provide glasses for you".

7 103. plaintiff then made it clear that those options would not work for plaintiff
8 because plaintiff had no friends or family who could assist plaintiff to get glas
9 ses.

10 104. plaintiff explained that he was unable to safely navigate or walk around alo
11 ne.

12 105. Doctor Doe 12 then ended the consultation by telling plaintiff " go wait in
13 the main area".

14 106. at the end of plaintiffs medical evaluation and consultation with Doctor Doe
15 12 no action was taken and no assistance was provided to plaintiff for his vision
16 impairment disability, although several methods of assistance were available.

17 107. on or about 05/14/13 plaintiff was transferred to Los Angeles County Jail
18 NCCF 29300 The Old Road , Castaic , CA 91384.

19 108. on or about 05/20/13 plaintiff was having difficulty functioning within his
20 enviroment, and difficulty with his basic daily needs and required help from
21 other inmates.

22 109. plaintiff then began seeking alternative methods to obtain glasses or be
23 moved to a safer living area.

24 110. plaintiff then filled out approximately 3 Los Angeles County Jail request
25 and grievance forms.

26 111. the first form was a request to see a doctor to discuss plaintiffs vision
27 impairment and discuss possible care,treatment, and services or eqiptment options
28 to assist plaintiff

1 112. the second form was a request to meet with a Jewish chaplain to discuss the
2 possibility of getting their assistance to obtain glasses from the outside.

3 113. the third form was a request to be moved to a school dorm, which is a safer
4 non-violent enviroment with helpful educators , instructors and inmates.

5 114. on or about 05/20/13 plaintiff placed all three forms in the request/grievance
6 box in dorm 726. Supermax

7 115. on or about 06/08/13 plaintiff was taken to the nurses officer located near
8 dorm 726. Supermax

9 116. Nurse Doe 13 then evaluated plaintiff for vision impairment and asked plaintiff
10 to read the letters on an eye chart.

11 117. plaintiff was not able to read any letters on the eye chart with neither eye

12 118. Nurse Doe 13 then told plaintiff "you should be in a vision impaired dorm"

13 119. plaintiff then asked nurse doe 13 "how do I get placed into a vision impaired
14 dorm?".

15 120. Nurse Doe 13 said " I will refer you to see the Doctor, then you will be moved
16 automatically"

17 121. Nurse Doe 13 then placed plaintiff on Doctors line to be seen at a later time

18 122. on or about 06/13/13 plaintiff was taken to the infirmary of Supermax to see
19 the general Doctor.

20 123. plaintiff was then medically evaluated by Doctor Doe 14.

21 124. plaintiff then explained to Doctor Doe 14 that he was vision impaired and
22 and told Doctor Doe 14 about his safety concerns due to his disability. plaintiff
23 said , "I am very nearsighted and I dont feel very safe living in my dorm like this"

24 125. plaintiff then asked Doctor Doe 14 for their assistance, plaintiff said
25 " can you help me get glasses?" and "can you move me to a vision impaired dorm?".

26 126. Doctor Doe 14 then gave plaintiff a eye chart exam and asked plaintiff to read
27 the letters on the chart.

28 127. plaintiff told Doctor Doe 14 that he could not see any letters in either eye

1 128. Doctor Doe 14 then asked plaintiff to return to the waiting area.

2 129. at the end of plaintiffs medical exam with Doctor Doe 14 plaintiff was not
3 moved to a dorm for persons with vision impairments.

4 130. Doctor Doe 14 did refer plaintiff to be seen by the on-site ophthalmologist at
5 a later date.

6 131. Doctor Doe 14 did forward the safety concerns of plaintiff to the officer on
7 duty at the control booth of the 726 housing area.

8 132. on the way back to his dorm plaintiff became lost and ended up near the educ
9 ation area where plaintiff had attended a computer education class previously on
10 or about 12/01/12 through 12/26/12 with Mr.Johansen.

11 133. plaintiff took this opportunity to speak with Mr.Johansen in person and asked
12 Mr.Johansen if there was any way he can help plaintiff get back in the MERIT prog
13 ram and also if there is any way the MERIT program can help plaintiff get glasses.

14 134. Mr. Johansen said "I will see what I can do" and "we will help you get glasses"

15 135. Mr. Johansen also gave plaintiff directions back to his living area dorm 726

16 136. once plaintiff arrived at the 726 housing area plaintiff was approached by
17 custody assistant Doe 15 who said "come here I need to talk to you" "in here"

18 137. Custody Assistant Doe 15 then brought plaintiff into a large empty room.

19 138. Custody Assistant Doe 15 asked plaintiff "what are your safety concerns?"

20 139. plaintiff then explained that he was vision impaired and explained that he
21 was having a hard time living in dorm 726 , plaintiff said "I am legally blind"
22 and "I dont feel very safe living in 726" and "I am having a hard time in there"

23 140. plaintiff also asked Custody Assistant Doe 15 to move him to another dorm,
24 plaintiff said "can you move me to a vision impaired dorm?" and "can you move me
25 to a safer dorm?".

26 141. Custody Assistant Doe 15 told plaintiff "I cant move you anywhere" and
27 "your dorm is a good dorm" and "everything will be fine in your dorm".

28 142. Custody Assistant Doe 15 then escorted plaintiff to the entrance to dorm 726

1 143. plaintiff then returned to his dorm 726.

2 144. on or about 06/15/13 a race riot began in dorm 726 between whites and hispanics.

3 145. several hispanic inmates began to attack white inmates at random.

4 146. plaintiff was not aware of what was happening around him because plaintiff could
5 not distinguish whites and hispanics, plaintiff assumed inmates were fighting other
6 inmates over gang feuds or debts.

7 147. Los Angeles County Sheriff's Dept. Officers Doe 16 through Doe 26 responded to
8 the rioting in dorm 726.

9 148. upon arrival to dorm 726 officers doe 16-26 hesitated to enter and began shouting
10 through the gate aka bars.

11 149. officers doe 16 - 26 shouted "lay down" and "lay down on the ground now".

12 150. plaintiff then layed down on the ground, facedown, head to one side.

13 151. several inmates were still fighting when plaintiff layed down on the ground.

14 152. plaintiff was then kicked in the left eye / eye socket / area.

15 153. once the fighting stopped plaintiff was removed from the dorm and taken to the
16 medical area aka the infirmary of supermax.

17 154. at the infirmary area plaintiff was placed in a caged waiting area with several
18 other inmates who required medical attention.

19 155. plaintiff had been attending to his own wound by applying paper tissue to his
20 left eye which was stained with a small amount of blood.

21 156. after approximately 15 to 20 minutes of waiting plaintiff was called to see Nurse
22 Doe 27.

23 157. plaintiff was evaluated by Nurse Doe 27 and plaintiff explained that he was kick
24 ed in the face in his left eye socket, and explained he had been bleeding a little
25 but it had stopped, plaintiff said "I was kicked in the left eye" , "I was bleeding
26 a little, but it stopped" ., "look at this tissue" and plaintiff showed the bloody
27 tissue to Nurse Doe 27.

28 158. Nurse Doe 27 then said "you probably got scratched in your eye"

1 159. Nurse Doe 27 then treated plaintiff for swelling, and asked plaintiff to return
2 to the caged waiting area.

3 160. plaintiff then said "thats it?" and Nurse Doe 27 replied "thats it".

4 161. plaintiff then returned to the caged waiting area for inmates.

5 162. approximately 30 to 45 minutes later plaintiff and 5 other white inmates who
6 were previously in dorm 726 were transferred to dorm 711.

7 163. On or about 06/18/13 plaintiff was moved to dorm 516 along with one other inmate

8 164. dorm 516 is an educational dorm and non-violent dorm.for MERIT program.

9 165. on or about 06/19/13 plaintiff was removed from dorm 516 and was transferred to
10 Los Angeles County Jail TTCF 450 Bauchet st. Los Angeles , CA 90012.

11 166. on or about 06/24/13 plaintiff was transferred back to Los Angeles County Jail
12 NCCF 29300 The Old Road , Castaic , CA 91384.

13 on or about 06/25/13 plaintiff was taken to the infirmary of supermax for an appoint
14 ment with the on-site opthomologist Doctor Doe 28.

15 167. Doctor Doe 28 medically evaluated plaintiff and plaintiff asked Doctor Doe 28
16 "am I legally blind?" , Doctor Doe 28 replied "without glasses , yes you are".

17 168. Doctor Doe 28 then dialated plaintiffs eyes to examine plaintiffs inner eyes.

18 169. approximately 15 minutes later plaintiffs eyes were fully dialated and Doctor
19 Doe 28 examined inside plaintiffs eyes.

20 170. Doctor Doe 28 immidiately found several medical issues with plaintiffs eyes.

21 171. Doctor Doe 28 told the plaintiff "you have a fairly large hole in your left eye
22 , and you have a detached retina in your left eye" , "you also have an issue in your
23 right eye but it may be older and i cant tell what it is".

24 172. Doctor Doe 28 then reffered plaintiff to be transported to LAG+USC medical center
25 for emergency care.

26 173. upon arrival to LAG+USC medical center plaintiff was placed in the jail ward,
27 and was medically evaluated by Doctor Doe 29.

28 174. Doctor Doe 29 was unable to diagnose plaintiff due to lack of his scope of care

1 175. Doctor Doe 29 then referred plaintiff to a retina specialist, Doctor Doe 30.

2 176. Doctor Doe 30 and several other specialists and retina experts took turns exami
3 ning plaintiff in both eyes.

4 177. after approximately 1 to 2 hours of examinations and testing on plaintiffs eyes
5 the senior resident of the retina department told plaintiff "you have bilateral deta
6 tched retina's, that means your retina's in the back of each eye are detatching beca
7 use there is fluid built up behind the retina and the wall of your eye, and your left
8 eye also has a large horseshoe tear in it, your right eye is not as serious and poss
9 ibly an older injury, give or take 3 to 4 months old because there is scarring."

10 "you will need surgery to repair your left eye and the retina inside your left eye,
11 after surgery you will need to use some drops that will help it heal, and may help
12 your right eye too, If your right eye doesn't heal after a few months , you may
13 require a second surgery on your right eye also".

14 178. on or about 06/25/13 LAG+USC doctors and retina specialists performed surgery
15 on plaintiffs left eye, drained the fluid, implaned a sclural buckle and closed the
16 hole in plaintiffs left eye.

17 179. on or about 07/01/13 plaintiff was returned to Los Angeles County Jail TTCF
18 450 Bauchet st. Los Angeles , CA 90012.

19 180. plaintiff was provided a wheel chair and placed in Correctional treatment center

20 181. approximately two weeks later on or about 07/14/13 plaintiff was transported
21 to LAG+USC medical center for an appointment with the retina doctors.

22 182. while consulting with the retina specialists plaintiff asked "can you help me
23 get some glasses , so I can see?".

24 183. the retina specialists then said "we will see what we can do"

25 184. approximately 5 minutes later plaintiff was presented with 3 pairs of perscrip
26 tion glasses that were close to plaintiffs perscription, and plaintiff was asked
27 "which one do you preffer?".

28 185. plaintiff tried them on then selected a pair, and was able to see once again.

1 186. plaintiff was so overwhelmed he began to cry.

2 187. plaintiff was then returned to Los Angeles County Jail TTCF 450 Bauchet st.

3 Los Angeles, CA 90012

4 188. on or about 07/20/13 plaintiff began to ask for grievance forms and ask questions
5 to his unit officers about how to take legal action against Los Angeles County for his
6 injuries.

7 189. plaintiff held at least 3 separate conversations on different dates with each
8 of the following officers while living at CTC 3 west, Pinkerton, Leyva , and Diaz.

9 190. plaintiff asked for grievance forms numerous times and was told "we don't have
10 any forms" and "why do you need forms?".

11 191. plaintiff explained his story to each officer , pinkerton , Leyva , and Diaz
12 and they offered plaintiff the following advice, "you should wait until you are relea
13 sed to file any actions against Los Angeles County" and "you cant sue Los Angeles Cou
14 nty until you file in court" and " you have two years to begin a lawsuit from the day
15 you were injured".

16 192. none of the officers ever mentioned a claim form or claim procedure for Los Ange
17 les County, therefore plaintiff had no knowledge of claim procedure at that time
18 because plaintiff was provided with misrepresented and erroneous information by three
19 Los Angeles County Sheriff's Dept. Officers.

20 193. on or about 10/13/13 plaintiff underwent surgery to his right eye at LAC+USC med
21 ical center, and retina specialists drained fluid from the retina and implanted a
22 sclural buckle on plaintiff's right eye.

23 194. approximately 30 to 45 days later plaintiff was discharged from the correctional
24 treatment center and placed in the general population.

25 195. on or about 11/22/13 plaintiff was given a pass to report to the 5000 floor area
26 of Mens Central Jail and meet with a Jewish Chaplain per plaintiffs request on or
27 about 05/20/13

1 196. plaintiff met with chaplain doe 32 and conducted a private consultation
2 inside an office normally used for protestant inmates and chaplains.

3 197. plaintiff discussed his prior injuries and surgeries with the chaplain
4 and plaintiff explained how he was without glasses for several months.

5 198. plaintiff told chaplain doe 32 "I was able to get glasses for free at
6 USC+LAC medical center from my doctors".

7 199. after approximately 20 minutes plaintiff and chaplain doe 32 ended their
8 consultation and plaintiff returned to his housing area on 4000 floor.

9 200. on or about 12/10/13 plaintiff was transferred to dorm 5800 in MCJ
10 441 Bauchet st. Los Angeles , CA 90012.

11 201. on about 12/25/13 two Jewish chaplains, Chaplains Doe 33 and Doe 34 had
12 unexpectedly came to meet with plaintiff at dorm 5800.

13 202. plaintiff thought this was strange or unusual because plaintiff did not
14 request this meeting and did not receive a pass.

15 203. upon belief and information , chaplains doe 33 and doe 34 contacted the
16 officer on duty inside the control booth of dorm 5800 and requested that plai
17 ntiff come out to the hallway.

18 204. officer doe 35 then called for the inmate liaison aka house mouse, and
19 asked him to go get plaintiff because the jewish chaplains want to see him.

20 205. the inmate liaison aka house mouse then approached plaintiff and said
21 "I was told to tell you to go to the door because some jewish priests want to
22 meet with you" and "I didn't know you were jewish" and "are you really jewish"

23 206. plaintiff then went to the front of the dorm and waited by the door then
24 the door unlocked electronically and plaintiff stepped out into the hallway.

25 207. chaplains doe 33 and doe 34 then introduced themselves and began to talk
26 with plaintiff right there in the hallway near the door to dorm 5800.

27 208. plaintiff then noticed several inmates looking through the glass window
28 of the door to dorm 5800 and plaintiff asked "can we go talk in an office?".

1 209. chaplain doe 33 then said "there are no offices available because its christmas"

2 210. chaplain doe 34 then said "this wont take long, this area will do" suggesting the
3 hallway.

4 211. after approximately 10 - 15 minutes chaplains doe 33 and doe 34 said goodbye
5 and plaintiff returned to dorm 5800.

6 212. on or about 12/26/13 plaintiff was approached by several white inmates in dorm
7 5800 and they said "we need you to move to another bed and someone else is getting
8 your bed" plaintiff said "no" and "why?" and plaintiff was told "thats how it has to be"

9 213. plaintiff decided to move rather than make a conflict or resort to violence.

10 214. plaintiff moved his belongings to the bed near the bathroom, the most undesireable
11 bed in the dorm.

12 215. plaintiff wanted to complain to the officer on duty inside the control booth
13 however, inmates were not permitted to speak directly to officer doe 36 in the booth

14 216. plaintiff was also told to clean the dorm everyday by sweeping and mopping and
15 emptying the trash bin, normally inmates would recieve extra food for doing the chores
16 but plaintiff did not get any food as compensation for his work.

17 217. plaintiff tried to bring this to the attention of the leaders of the whites but
18 it was brushed aside as unimportant and irrelevant to their concerns.

19 218. on or about 12/29/13 plaintiff was attempting to get the mop bucket because he
20 needed to use it. plaintiff then noticed that someone had taken a plastic bag, fruit
21 and apple juice to make home brewed wine in the mop bucket, plaintiff left it alone
22 and performed another chore until the bucket was available again.

23 219. on or about 12/31/13 plaintiff was sick with a cold and was resting on the top
24 bunk of the bed near the bathroom, when plaintiff saw several inmates passing around
25 and drinking home brewed wine aka pruno.

26 220. plaintiff saw several inmates getting drunk and acting intoxicated and plaintiff
27 asumed they were celebrating new years eve.
28

1 221. approximately one hour after plaintiff observed inmates drinking alcohol.

2 222. approximately 3-4 white inmates approached plaintiffs bed and then pulled
3 plaintiff out of his bed from the top bunk to the floor, face first.

4 223. plaintiff was stunned and then tried to get up but was struck several more
5 times to the face and head until plaintiff lost consciousness.

6 224. upon belief and information, plaintiff was dragged to the shower room and
7 placed under running water on the shower room floor.

8 225. when plaintiff awoke sometime later, plaintiff was laying in a large pool
9 of blood and water on the shower floor.

10 226. it was not clear what had happened to plaintiff or why plaintiff was dizzy.

11 227. plaintiff was unable to see from his left eye, and plaintiffs face was very
12 swollen, plaintiffs upper and lower teeth would not line up, and plaintiff was
13 in extreme pain and was crying.

14 228. plaintiff then tried to get up and inmates around plaintiff stopped him
15 from getting up, plaintiff was told "dont move or try to leave this area".

16 229. the inmates near the enterance to the shower area would not let plaintiff
17 leave the shower room, they said "dont move or you will get hurt more" and
18 "stay there and sit down" .

19 230. the inmates at the enterance to the shower area would not anyone in to help
20 plaintiff.

21 231. plaintiff remained in the shower room floor bleeding and soaked in blood
22 for approximately 2 hours while the leaders of each race discussed what happened
23 and what to do about it. there was also some argument about what really happened
24 some inmates were trying to lie and cover up what they had done.

25 232. eventually some of the inmates who spoke up for plaintiff were able to
26 enter the shower area and gave plaintiff clean clothes and a towel for his face

27 233. plaintiff was helped to get changed and plaintiff was given permission to
28 leave the shower area and get help by contacting the officer on duty, however,

1 plaintiff was told "you have to tell the officers that you had a seizure and that
2 you dont know what happened to you, that you blacked out, ok?"

3 234. plaintiff agreed and then made contact with the officer on duty officer doe 37

4 235. officer doe 37 then unlocked the door to dorm 5800 electronically and plaintiff
5 walked out into the hallway.

6 236. officer doe 37 then contacted the 5000 floor control booth and approximately
7 10 officers responded to dorm 5800 and escorted plaintiff away.

8 237. officers doe 38 through 48 conducted an investigation in dorm 5800 and plaint
9 iff was taken to the medical area in mens central jail.

10 238. while at the medical area approximately 2-3 pictures were taken of plaintiffs
11 face.

12 239. the medical staff denied plaintiff treatment and told the escorting officer
13 to take plaintiff to urgent care over at tower 2 of TTCF.

14 240. plaintiff walked to urgent care and upon arrival was medically evaluated by
15 doctor doe 49.

16 241. Doctor Doe 49 the requested that plaintiff be referred to LAC+USC medical
17 center.

18 242. plaintiff was then escorted back to the medical area of MCJ to wait for a
19 ambulance.

20 243. approximately 1-2 hours later plaintiff was transported to LAC+USC by the
21 emergency medical technicians who responded to the call for transport.

22 244. upon arrival to LAC+USC medical center plaintiff was medially evaluated by
23 doctor doe 50.

24 245. plaintiff had a CT scan done on his face , and was diagnosed with

25 246. a broken eye socket, 3 facial fractures to left cheek, a broken nose.

26 247. plaintiff was also evaluated by opthomology and diagnosed with multiple
27 perforations to his right eye and retinal detachment to right eye.
28

1 248. plaintiff was told "you will need surgery to repair your orbit and cheekbone."

2 249. plaintiff was also told "you will need laser surgery to fix your right eye"

3 250. plaintiff was then returned to Los Angeles County Jail, TTCF with two appoi
4 ntments to perform surgery's.

5 251. on or about 01/08/14 plaintiff was transported to LAC+USC medical center for
6 eye surgery on his right eye.

7 252. plaintiff had approximately 300 welds done to close the holes in his eye.

8 253. plaintiff was then returned to Los Angeles County Jail the same day.

9 254. on or about 01/15/14 plaintiff was transported to LAC+USC medical center for
10 facial reconstruction surgery on his left cheek and eye socket.

11 255. plaintiff had 3 titainium plates implanted to his skull and some orbital
12 shelf rebuilding inside his left eye socket.

13 256. on or about 01/20/14 plaintiff was returned to Los Angeles County Jail
14 TTCF and placed in CTC 3 west.

15 257. plaintiff then spent several months recovering from surgery and going back
16 and fourth to LAC+USC medical center.

17 258. on or about 04/15/14 plaintiff was diagnosed with complications from surgery
18 to his left eye and left eye lid that caused plaintiff pain, discomfort, and
19 periodic double vision and dizzyness.

20 259. plaintiff was seen by Doctor Rogers at LAC+USC medical center and plaintiff
21 was referred to see an ocular plastics specialist at a later date.

22 260. plaintiff was then returned to Los Angeles County Jail with an appointment
23 to return to LAC+USC medical center and meet with the ocular plastics doctor.

24 261. on or about 04/25/14 plaintiff was transported to LAC+USC medical center for
25 his appointment with ocular plastics.

26 262. plaintiff was in a wheelchair because of his dizzyness issues from surgery.

27 263. officer shah was was assigned to escort plaintiff to see the ocular plastics
28 doctor.

1 264. when officer shah and plaintiff arrived at the eye clinic there were some
2 people sitting in chairs who were patients being seen by doctors.

3 265. plaintiff saw a man use his phone to take a picture of plaintiff and then
4 plaintiff said "no dont take my picture" .

5 266. plaintiff was ungroomed and handcuffed in a wheelchair and was not wanting
6 a picture taken by anyone.

7 267. the man took plaintiffs picture anyways and officer shah let him do it.

8 268. plaintiff then said "I said NO, fag"

9 269. officer shah then walked over to the nurses station and canceled the appoin
10 tment for plaintiff to see the ocular plastics doctor about his complication.

11 270. plaintiff pleaded with the escort officers and officer shah but plaintiff
12 was taken back down to the jail ward and placed in a holding tank waiting for
13 transport back to Los Angeles County Jail.

14 271. plaintiff asked to speak to the nurse on duty in the jail ward and explained
15 to Nurse Cindy that some man was trying to take his picture and officer shah
16 wouldn't stop him , therefore, plaintiff made a vulgar statement and then
17 plaintiffs appointment was canceled by officer shah and plaintiff was not seen.

18 272. plaintiff was then taken back to Los Angeles County Jail.

19 273. on or about 04/29/14 while under the care of Nurse Practitioner Malone
20 plaintiff was discharged from the correctional treatment center to make room
21 for new inmates, although plaintiffs medical issues were unresolved.

22 274. plaintiff was then placed in a mental health housing unit.

23 275. plaintiff was not taken to any future LAC+USC appointments.

24 276. on or about 05/02/14 plaintiff developed an infection on his buttoc and
25 from the dirty cell he was placed into at the mental health area.

26 277. plaintiff brought his infection to the attention of the nurses who
27 had been brining his medication to his cell 3 times a day.
28

1 278. plaintiff also explained to the nurse that he was supposed to be going to
2 LAC+USC medical center for an appointment very soon.

3 279. plaintiff asked the nurses to check on his appointment at LAC+USC medical
4 center, plaintiff said "can you please check on my appointment for my eye?".

5 280. plaintiff was told that the nurse would talk to the doctor about it.

6 281. plaintiff recieved medication for his infection the next day. on or about
7 05/06/14.

8 282. on or about 05/08/14 plaintiff was in custody transferred to prison and then
9 placed into the custody of California Department of Corrections and rehabilitation
10 at North Kern State Prison , Delano California

11 283. plaintiff arrived at North Kern State Prison with complications unresolved.
12

13 CONTINUED ON NEXT PAGE

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1 IV. LEGAL CLAIMS

2 FIRST CAUSE OF ACTION FOR INADEQUATE MEDICAL CARE

3 284. plaintiff incorporates paragraphs 23 through 38

4 285. on or about 02/01/13 plaintiff was in custody at Los Angeles County Jail
5 and had a serious medical need because plaintiff is severely nearsighted and
6 was without glasses, causing plaintiff to be legally blind, plaintiff was there
7 fore, placed among the class of persons to whom Defendant Doctor Doe 1 owed a
8 duty as part of a special relationship.

9 286. Defendant Doctor Doe 1 failed to provide plaintiff with any form of care
10 or assistance for plaintiffs vision impairment, although defendant doctor doe 1
11 had several options that would of provided plaintiff with some form of assistance

12 287. Defendant Doctor Doe 1 had knowledge of plaintiffs serious medical needs
13 because plaintiff informed him of his impairment during consultation, this is
14 clearly shown in paragraphs 28 through 34, therefore Defendant Doctor doe 1 was
15 deliberately indifferent.

16 288. Defendant doctor doe 1's actions or omissions violated plaintiffs right to
17 be free of cruel and unusual punishment guaranteed by the 8th and 14th amendmen
18 ts of the constitution

19 289. as a direct and proximate result of defendant doctor doe 1's actions or
20 ommissions described in this complaint, plaintiff was not classified properly
21 and was transferred to NCCF, then plaintiff was expected to perform at the level
22 of a normal inmate, plaintiff fell short of that expectation and was subjected
23 to disciplinary action, plaintiff was placed at substantial risk of serious harm
24 by being at NCCF and by being placed into disciplinary actions, on or about
25 02/14/13 plaintiff suffered injury and pain and emotional distress, in that
26 plaintiff was struck in the eyes and face several times by a dangerous inmate
27 and plaintiff was vulnerable to be injured as a result of defendant doctor doe
28 1's provision of inadequate medical care

1 290. defendant doctor doe 1 acted knowingly, willfully, and maliciously, and
2 with reckless and callous disregard for plaintiffs federally protected rights.

3 291. as a result of defendant doctor doe 1's actions or omissions plaintiff has
4 suffered and will continue to suffer extreme hardship and actual and impending
5 irreparable injury, pain, and emotional distress in that plaintiff required surgery
6 to his right eye due to this injury, plaintiff has lost visual acuity and has
7 reoccurring and continuing issues related to this injury.

8 SECOND CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

9 292. plaintiff incorporates paragraphs 23 through 38

10 293. on or about 02/01/15 plaintiff was in custody at Los Angeles County Jail
11 and was an inmate, plaintiff was therefore, placed among the class of persons
12 to whom Defendants doctor doe 1, lee baca, terri mcdonald, david fender, kelley
13 fraser, ray leyva, ralph ornelas, karen dalton, kevin kuykendall, paul tanaka,
14 owed a duty as part of a special relationship.

15 294. Defendants SUPRA had a duty to use such skill, prudence, and diligence as
16 other members of his or her profession commonly possess and exercise,

17 295. Defendants SUPRA negligently failed to provide plaintiff with some form of
18 assistance for his vision impairment, and also failed to properly classify
19 plaintiff for his serious medical needs, so as to cause plaintiff to become
20 exposed to several substantial risks of serious harm while plaintiff was vulner-
21 able, and directly and proximately caused the injuries and damages described below

22 296. as a direct and proximate result of the negligence of defendants SUPRA,
23 plaintiff was injured on or about 02/14/13 and was punched in his eyes and face
24 several times by a dangerous inmate, and plaintiff was hurt and injured in his
25 health, strength, and activity, sustaining injury to his nervous system and
26 person, all of which injuries caused, and continue to cause, plaintiff great
27 mental, physical, emotional, and nervous pain and suffering,
28

1 297. defendants SUPRA acted knowingly, willfully, and maliciously, and with a
2 reckless and callous disregard for plaintiffs federally protected rights.

3 298. as a result of defendants SUPRA actions or omissions plaintiff has suffered
4 and will continue to suffer extreme hardship and actual and impending irreparable
5 injury, pain, and emotional distress in that plaintiff required surgery to his
6 right eye due to this injury, plaintiff has lost visual acuity and has reoccurring
7 and continuing issues related to this injury.

8 THIRD CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

9 299. plaintiff incorporates paragraphs 23 through 38

10 300. on or about 02/01/13 plaintiff was an inmate at Los Angeles County Jail
11 and was in the care of defendant doctor doe 1.

12 301. on or about 02/01/13 at the inmate reception center located in TTCF, plaintiff
13 informed defendant doctor doe 1, that plaintiff was vision impaired and that
14 plaintiff could not see properly, in response defendant doctor doe 1 said
15 "I have other inmates to see, im sorry but i cannot help you" and then failed
16 to provide any assistance to plaintiff for his disability, which left plaintiff
17 vulnerable and exposed plaintiff to several substantial risks of serious harm.

18 302. Defendant Doctor doe 1's conduct was negligent and careless or reckless,
19 and done because defendant doctor doe 1 was complacent in his duties and did
20 not use proper care, causing plaintiff to suffer mental anguish, and emotional
21 and physical distress, Defendant doctor doe 1's conduct was done with a wanton
22 and reckless disregard of the consequences to plaintiff.

23 303. as the proximate result of the acts alleged above, plaintiff suffered the
24 feelings of worry , fright, and grief in that plaintiff was about to encounter
25 a great difficulty and dangerous experience on his own while vulnerable, plain
26 tiff felt afraid and the sudden and extreme fear or terror lurking, plaintiff
27 felt sharp sorrow and difficulty or annoyance caused by mental anguish, and
28 emotional distress, and plaintiff has been injured in mind and body.

1 304. the acts of defendant doctor doe 1 alleged above were negligent, wanton,
2 malicious, and oppressive and justify the awarding of exemplary and punitive
3 damages.

4 FOURTH CAUSE OF ACTION FOR FAILURE TO PROTECT

5 305. plaintiff incorporates paragraphs 39 through 82

6 306. on or about 02/12/13 plaintiff was in custody at Los Angeles County Jail
7 therefore, plaintiff was placed among the class of persons to whom defendants
8 owed a duty as part of a special relationship.

9 307. defendant officer ortiz wrongly and unjustly placed plaintiff under a state
10 of disciplinary action, then became angry and loud towards plaintiff because
11 defendant officer ortiz thought plaintiff was lieing about his vision impairment
12 therefore, defendant officer ortiz acted with malice and wanton manner and also
13 created circumstances which intentionally placed plaintiff at danger and at
14 several substantial risks of serious harm,

15 308. plaintiff alleges that he was exposed to the following substantial risks of
16 serious harm, (1) Inadequate classification, plaintiff was vision impaired by
17 meaning of physical disability, therefore plaintiff was at risk of general injury
18 (2) plaintiff was unusually vulnerable, plaintiff could not see properly, and
19 plaintiff was an obvious target for potantial abuse by other stronger or more
20 aggressive inmates, (3) High rate of violence, fighting between inmates was common
21 and uncontrolled at the jail and was an obvious and pervasive risk with long
22 standing history at the jail, (4) overcrowding, due to AB 109 the jail was at
23 a constant high volume of inmates who, under normal circumstances would be in
24 state prisons, therefore, creating excessive risk of violence, (5) understaffing
25 the jail was not staffed with enough guards to provide adequate safety,
26 (6) insufficient inspections, guards failed to make regular inspections of inmate
27 living areas, (7) state of nature, guards lack of supervision often allowed inn
28 mates to exercise too much control over other inmates, creating a state of nature

1 or a condition where everyone runs wild, (8) attacker is unusually dangerous
2 plaintiff was placed into a cell with a known violent inmate who was aggressive
3 and stronger than plaintiff, (9) upon information and belief, defendant officer
4 ortiz instructed other officers to place plaintiff into a cell with a dangerous
5 inmate with the intent to allow plaintiff to be picked on and beaten by a stronger
6 more aggressive inmate, in the furtherance of punishment and to teach plaintiff
7 a lesson.

8 309. defendant officer ortiz had knowledge of plaintiff's vision impairment and
9 plaintiff made his impairment clear to defendant officer ortiz, as shown in
10 paragraphs 55 and 56 , defendant officer ortiz also knew of the high rate of
11 inmate-on-inmate violence at the jail, and knew of the overcrowding caused by
12 AB 109, defendant officer ortiz knew of the understaffing at the jail, and the
13 insufficient inspections, defendant officer ortiz knew that inmates often exercised
14 control over other inmates, and knew that inmates at the disciplinary are were
15 unusually dangerous, defendant officer ortiz knew that plaintiff was likely to
16 suffer some form of attack, injury by placing plaintiff into disciplinary action

17 310. defendant officer ortiz did not reasonably respond to abate the substantial
18 risks of serious harm to plaintiff, defendant officer ortiz took it into his
19 power to abuse his authority and submit plaintiff to the creation of danger,
20 and the imposition of punishment through malicious and wanton manner.

21 311. as a proximate and direct result of defendant officer ortiz's actions
22 plaintiff was placed into a cell with a dangerous inmate who acted aggressive
23 and plaintiff was vulnerable by disability, plaintiff was attacked on or about
24 02/14/13 and punched in the face and eyes several times causing pain and injury

25 312. defendant officer ortiz acted knowingly, willfully, and maliciously, and
26 with reckless and callous disregard for plaintiffs federally protected rights.

27 313. as a result of defendant officer ortiz's actions plaintiff has suffered
28 and will continue to suffer extreme hardship and actual and impending irreparable

1 injury, pain, and emotional distress in that plaintiff required surgery to his
2 right eye due to this injury, plaintiff has lost visual acuity and has reoccurring
3 and continuing issues related to this injury.

4 FIFTH CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

5 ~~314~~. plaintiff incorporates paragraphs 39 through 82

6 315. on or about 02/12/13 plaintiff was in custody at Los Angeles County Jail
7 and was an inmate, plaintiff was therefore, placed among the class of persons
8 to whom defendants officer ortiz, lee baca, paul tanaka, and terri mcdonald
9 owed a duty as part of a special relationship.

10 316. defendants named SUPRA had a duty to use such skill, prudence, and diligence
11 as other members of his or her profession commonly possess and exercise.

12 317. defendants named SUPRA negligently placed plaintiff into a state of unjust
13 and unwarranted disciplinary action, then manipulated circumstances to place
14 plaintiff at substantial risk of serious harm, in further ance of punishment to
15 plaintiff and acted in wanton or malicious manner toward plaintiff, so as to
16 cause plaintiff to be attacked by an aggressive and violent inmate at the disci
17 plinary area of the jail and directly and proximately caused the injuries and
18 damages described below.

19 318. as a direct and proximate result of the negligence of defendants named SUPRA
20 plaintiff was attacked by a dangerous and violent inmate on or about 02/14/13
21 and was punched in his eyes and face area causing pain and injury, plaintiff was
22 injured in his health, strenth, and activity, sustaining injury to his nervous
23 system and person, all of which injuries have caused, and continue to cause,
24 plaintiff great mental, physical, emotional and nervous pain and suffering,

25 319. defendants named SUPRA acted negligently, willfully, and maliciously, and
26 with a reckless and callous disregard for plaintiffs federally protected rights

27 320. as a result of defendants named SUPRA actions or omissions plaintiff has
28 suffered and will continue to suffer extreme hardship and actual and impending

1 irreparable injury, pain, and emotional distress in that plaintiff required
2 surgery to his right eye due to this injury, plaintiff has lost visual acuity
3 and has reoccurring and continuing issues related to this injury.

4 SIXTH CAUSE OF ACTION FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

5 321. plaintiff incorporates paragraphs 39 through 82

6 322. on or about 02/12/13 plaintiff was an inmate at Los Angeles County Jail
7 and was in the care of defendant officer ortiz,

8 323. on or about 02/12/13 at the 700 area of supermax NCCF plaintiff informed
9 defendant officer ortiz that he was vision impaired and needed glasses, defendant
10 officer ortiz in response, shouted at plaintiff in a rude, violent, and insolent
11 manner as follows, plaintiff refers to paragraph 56

12 324. defendant officer ortiz's conduct was intentional and malicious and done
13 for the purpose of causing plaintiff to suffer mental anguish, and emotional
14 and physical distress, defendant officer ortiz's conduct was done with a wanton
15 and reckless disregard of the consequences to plaintiff.

16 325. as the proximate result of the acts alleged above, plaintiff suffered
17 fright, worry, grief, shame, humiliation, and embarrassment and caused plaintiff
18 mental anguish, and emotional and physical distress, plaintiff felt very afraid
19 and sudden and extreme terror and sharp sorrow, painful regret and difficulty,
20 plaintiff felt dishonored, disgraced, and disappointed, plaintiff felt a painful
21 loss of pride, self respect and dignity or burdened with shame and self-conscious
22 ness and was injured in mind and body,

23 326. the acts of defendant officer ortiz above were willfull, wanton, malicious
24 and oppressive and justify the awarding of exemplary and punitive damages.

25 SEVENTH CAUSE OF ACTION FOR FAILURE TO PROTECT (6 counts)

26 327. plaintiff incorporates paragraphs 57 through 82

27 328. on or about 02/12/13 plaintiff was in custody at Los Angeles County Jail
28 therefore, plaintiff was placed among the class of persons to whom defendants

1 doe 2 through doe 7 owed a duty as part of a special relationship,
2 329. defendants doe 2 through 7 were careless when dealing with plaintiff and
3 when dealing with the circumstances surrounding the plaintiff, plaintiff was
4 wrongly and unjustly placed under disciplinary action by defendant officer ortiz
5 then defendants officers doe 2 and doe 3 received custody of plaintiff and chose
6 to ignore the statements made by the plaintiff, shown in paragraph 60, then
7 defendants officers doe 2 and doe 3 responded in a wanton and malicious manner
8 shown in paragraph 61, defendants officers doe 2 and doe 3 acted unprofessionally
9 and with the intent to further punishment to plaintiff,

10 330. then defendants officers doe 4 and doe 5 took plaintiff into their custody
11 for the purpose of escorting plaintiff to the disciplinary area (900 max) and
12 defendants officers doe 4 and doe 5 acted carelessly and recklessly toward plain
13 tiff because plaintiff tried to explain his vision impairment disability to both
14 defendants officers doe 4 and doe 5, shown in paragraphs 65 and 67, however,
15 defendants officers doe 4 and doe 5 refused to listen to plaintiff, then they
16 responded to plaintiff in a rude and arrogant manner shown in paragraph 66.

17 331. once at the disciplinary area (900 max) plaintiff was transferred into the
18 custody of defendants officers doe 6 and doe 7 who also acted careless and
19 unreasonable towards plaintiff, plaintiff was ignored by defendants officers
20 doe 6 and doe 7 when plaintiff attempted to explain his disability and the
21 circumstances surrounding the plaintiff, shown in paragraph 72 and 74, then
22 defendants officers doe 6 and doe 7 both acted as though they were seeking
23 to extend the intent of officer ortiz in furtherance of punishment by ignoring
24 plaintiff then making wanton and malicious statements to plaintiff, shown in
25 paragraphs 74 and 75, defendants officers doe 2 through doe 7 therefore, acted
26 wantonly , maliciously, and with deliberate indifference towards plaintiff and
27 the circumstances that surrounded plaintiff, and disregarded plaintiff's rights
28

1 332. plaintiff alleges that defendants officers doe 2 through doe 7 placed
2 plaintiff and exposed plaintiff to the following substantial risks of serious
3 injury, (1) improper classification, plaintiff was vision impaired, by meaning
4 of physical disability, therefore plaintiff was placed at general risks, (2)
5 plaintiff was unusually vulnerable, plaintiff could not see properly therefore
6 plaintiff was an obvious target for potential abuse by other stranger more agg
7 resive inmates, (3) high rate of violence, inmate-on-inmate violence was high
8 fighting was common and uncontrolled and was an obvious and pervasive risk with
9 long standing history at the jail, (4) overcrowding, due to AB 109 the jail was
10 at a constant high volume of inmates , who would normally be in prisons, theref
11 ore, causing an excessive risk of violence, (5) understaffing, the jail was not
12 staffed with enough guards to provide adequate safety, (6) insufficient inspecti
13 ons, guards failed to make regular inspections of inmate living areas, (7)
14 state of nature, guards lack of supervision caused inmates to exercise control
15 over other inmates, creating a state of nature, or condition where everyone run
16 s wild, (8) attacker was unusually dangerous, plaintiff was placed into a cell
17 with a known violent and dangerous inmate who was aggressive and stronger than
18 plaintiff, (9) officials encouraged attack, plaintiff upon information and
19 belief, was intentionally placed into a cell with a dangerous inmate to create
20 a form of punishment for plaintiff, intent that began with defendant officer
21 ortiz and carried over through defendants officers doe 2 through doe 7, as
22 aiders and abeders, plaintiff was intentionally subjected to several risks,
23 defendants officers doe 2 through doe 7 had reason to believe that plaintiff
24 would sustain some form of injury and chose not to intervene or question their
25 own conduct or the conduct of their peers,

26 333. defendants officers doe 2 through doe 7 had knowledge that plaintiff had
27 a legitimate vision impairment disability, shown in paragraphs 60,65,67,72,74
28 defendants officers doe 2 through doe 7 ignored plaintiffs statements shown in

1 paragraphs 61,66,68,73,74,75, defendants officers doe 2 through doe 7 also knew
2 plaintiff was vulnerable due to his disability, and knew that the jail had a
3 high rate of inmate-on-inmate violence, defendants officers doe 2 through doe 7
4 also knew the jail was overcrowded and it caused excessive violence, and also
5 knew that the jail was often understaffed, defendants officer doe 2 through doe 7
6 knew that the guards did not conduct sufficient safety checks in living areas,
7 also knew that inmates often exercise control over other inmates, and knew that
8 the inmate inside plaintiff's cell was violent and dangerous and aggressive in
9 his actions, and knew that their own actions encouraged the injury to plaintiff
10 334. defendants officers doe 2 through doe 7 failed to respond reasonably and
11 abate the substantial risk of serious harm, and their conduct increased said risk
12 335. as a proximate and direct result of defendants officers doe 2 through doe 7
13 actions or omissions, plaintiff was placed into a state of disciplinary action
14 that was unjustified and undeserved, moreover, defendants officers doe 2 through
15 doe 7 failed to intervene and or abate risks placed upon plaintiff and plaintiff
16 was placed into a cell with a dangerous and violent inmate who had a history
17 of violence and controlling other inmates who were vulnerable, plaintiff was
18 attacked by the dangerous inmate in his cell on or about 02/14/13 and plaintiff
19 was struck in the eyes and face several times, which caused pain and injury to
20 plaintiff,

21 336. defendants officers doe 2 through doe 7 acted knowingly, willfully, and
22 maliciously, and with reckless and callous disregard for plaintiffs federally
23 protected rights.

24 337. as a result of defendants officers doe 2 through doe 7's actions or omissi
25 ons, plaintiff has suffered and will continue to suffer extreme hardship and
26 actual and impending irreparable injury, pain, and emotional distress in that
27 plaintiff required surgery to his right eye due to this injury.

1 EIGHTH CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

2 338. plaintiff incorporates paragraphs 57 through 82

3 339. on or about 02/12/13 plaintiff was in custody at Los Angeles County Jail
4 and was an inmate, plaintiff was therefore, placed among the class of persons
5 to whom defendants officers doe 2 through doe 7, lee baca, paul tanaka, and terri
6 mcdonald , owed a duty as part of a special relationship,

7 340. defendants named SUPRA had a duty to use such skill, prudence, and diligence
8 as other members of his or her profession commonly possess and exercise,

9 341. defendants named SUPRA negligently allowed plaintiff to be wrongfully placed
10 into a state of disciplinary action, and negligently ignored or avoided plaintiff
11 while plaintiff was trying to explain that he had a disability, and therefore,
12 did not intend to refuse to cooperate during the group strip search, defendants
13 named SUPRA were responsible for plaintiff and the circumstances surrounding
14 plaintiff and could have easily investigated, and determind the facts of plaint
15 iffs claims, and could of easily abated several unnecessary risks posed to cause
16 plaintiff great difficulty and injury and pain and distress, defendants named
17 SUPRA were careless , ignorant, and reckless in their conduct so as to cause
18 plaintiff to be placed into a disciplinary cell with a known violent and danger
19 ous inmate, which directly and proximately caused the injuries and damages that
20 are described below,

21 342. as a direct and proximate result of the negligence of defendants named SUPRA
22 plaintiff was wrongfully disciplined and forced to be placed into a disciplinary
23 cell with a known violent and dangerous inmate who had a history of exercising
24 control over other inmates, on or about 02/14/13 plaintiff was attacked by the
25 dangerous inmate inside his cell and plaintiff was punched several times in the
26 eyes and face, causing injury,pain, and distress, plaintiff was hurt and injured
27 in his health, strength, and activity, sustaining injury to his nervous system
28 and person, all of which injuries have caused, and continue to cause, plaintiff

1 great mental and physical and emotional, nervous pain and suffering,

2 343. defendants named SUPRA acted negligently, willfully, and maliciously, and with
3 a reckless and callous disregard for plaintiffs federally protected rights.

4 344. as a result of defendants named SUPRA actions or omissions plaintiff has
5 suffered and will continue to suffer extreme hardship and actual and impending,
6 irreparable injury, pain, and emotional distress in that plaintiff required to
7 have surgery to his right eye due to this injury, plaintiff has lost visual acuity
8 and has reoccurring and continuing issues related to this injury.

9 NINTH CAUSE OF ACTION FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

10 345. plaintiff incorporates paragraphs 57 through 82

11 346. on or about 02/12/13 plaintiff was an inmate at Los Angeles County Jail and
12 was in the care of defendants doe 2 through doe 7,

13 347. on or about 02/12/13 at the supermax building of NCCF, plaintiff informed
14 defendants doe 2 through doe 7 that plaintiff was vision impaired, shown in parag
15 raphs 60,65,67,72,74 and defendants officers doe 2 through doe 7 ignored and avoi
16 ded plaintiffs statements regarding plaintiffs disability, shown in paragraphs
17 61,66,68,73,74,75 , in response defendants officers doe 2 through doe 7 made
18 rude and unprofessional comments shown in paragraphs 61,66,71,74,, and shouted
19 at plaintiff in a rude, violent, and insolent manner,

20 348. defendants officer doe 2 through doe 7's conduct was intentional and malicio
21 us and done for the purpose of causing plaintiff to suffer mental anguish, and
22 emntional and physical distress, defendants officers doe 2 through doe 7's conduct
23 was done with a wanton and reckless disregard of the consequences to plaintiff,

24 349. as the proximate result of the acts alleged above, plaintiff suffered by
25 feeling fright, worry, grief, shame, humiliation, embarrassment throughout his
26 experiances with defendants officers doe 2 through doe 7 and after as well and
27 caused mental anguish, emotional distress and physical distress because plaintiff
28 felt very afraid, terror, sorrow and regret, dishonored, disgraced, loss of pride

1 and loss of dignity, or burdened with shame or self-conscious, and has been injured
2 in mind and body,

3 350. the acts of defendants officers doe 2 through doe 7 alleged above were willful
4 , wanton, malicious, and oppressive and justify the awarding of exemplary damages.

5 TENTH CAUSE OF ACTION FOR FAILURE TO PROTECT

6 351. plaintiff incorporates paragraphs 76 through 81

7 352. on or about 02/14/13 plaintiff was in custody at Los Angeles County Jail and
8 therefore, plaintiff was placed among the class of persons to whom defendants
9 officers doe 8 and doe 9 owed a duty as part of a special relationship,

10 353. on or about 02/14/13 plaintiff was attacked by the violent and dangerous inmate
11 inside his cell, when plaintiff called for help defendants officers doe 8 and doe 9
12 responded to plaintiffs cell then hesitated at the door and watched as plaintiff
13 was repeatedly struck in the eyes and face and head, defendants officers doe 8 and
14 doe 9 also listened to plaintiff calling for help but did nothing to respond or
15 intervene in the attack upon plaintiff, moreover, plaintiff could hear defendants
16 doe 8 and doe 9 laughing at plaintiff being beaten and saying rude and unprofess
17 ional comments, shown in paragraph 80. after approximately 10 minutes plaintiff
18 heard defendants officers doe 8 and doe 9 unlock the door to the cell and plaintiff
19 was taken to the medical area for treatment of his injuries,

20 354. plaintiff alleges that he was exposed to the following substantial risks of
21 serious harm; (1) classification, plaintiff was vision impaired, by meaning of
22 physical disability, plaintiff should not have been among general population and
23 therefore, was placed at general risks, (2) plaintiff was vulnerable, and could
24 not see properly, therefore plaintiff was an obvious target for potential abuse
25 by other stronger and more aggressive inmates, (3) high rate of violence, there
26 was a lot of inmate-on-inmate violence and it was common and uncontrolled at the
27 jail, causing an obvious and pervasive risk with long standing history at the jail
28 (4) overcrowding, due to AB 109 the jail was at a constant high capacity of inmates

1 who under normal circumstances would be in prisons, therefore causing an excessive
2 risk of violence, (5) understaffing, the jail was not staffed with enough guards
3 to provide adequate safety to inmates, (6) insufficient inspections, guards often
4 failed to make regular inspections of inmate living areas, (7) state of nature,
5 guards lack of supervision often allowed inmates to exercise too much control
6 over other inmates, creating a state of nature, where everyone runs wild, (8)
7 attacker was unusually dangerous, plaintiff was placed into a cell with a known
8 violent inmate who was dangerous and had a history of exercising control over
9 other inmates, while plaintiff was vulnerable, (9) officials encouraged the attack
10 upon the plaintiff by way of their own actions, and by their statements,

11 355. defendants officers doe 8 and doe 9, knew or should have known that plaintiff
12 was vision impaired because plaintiff made it clear to several other officers who
13 worked in or around the disciplinary area and who commonly share information and
14 gossip about inmates and other officers on a daily basis, and also knew that
15 plaintiff was vulnerable, defendants officer doe 8 and doe 9 also knew about the
16 high rate of inmate-on-inmate violence at the jail, and knew that the jail was
17 always at a high rate of capacity, and knew that the jail was overcrowded,
18 defendants officers doe 8 and doe 9 knew that there was a shortage of guards to
19 work at the jail and that there were not sufficient inspections by officers,
20 defendants officers doe 8 and doe 9 knew that inmates often exercised too much
21 control over other inmates and knew it was a dangerous condition, defendants
22 officers doe 8 and doe 9 also knew the inmate in plaintiffs cell was dangerous
23 and had a history of violence and controlling other inmates, and knew that their
24 own actions encouraged the attack upon the plaintiff,

25 356. defendants officers doe 8 and doe 9 failed to responsibly respond or abate
26 any of the risks stated above, and their actions increased risks instead,

27 357. as a proximate and direct result of defendants officers doe 8 and doe 9's
28 actions or omissions plaintiff was attacked by a known violent and dangerous

1 inmate who acted aggressive toward plaintiff and plaintiff was punched in the eyes
2 and face several times causing pain and injury for an extended period of time.

3 358. defendants officers doe 8 and doe 9 acted knowingly, willfully, and maliciously
4 and with reckless and callous disregard for plaintiffs federally protected rights
5 359. as a result of defendants officers doe 8 and doe 9's actions plaintiff
6 has suffered and will continue to suffer extreme hardship and actual and impending
7 irreparable injury, pain, and emotional distress in that plaintiff required surgery
8 to his right eye due to this injury, plaintiff has lost visual acuity and has
9 reoccurring and continuing issues related to this injury,

10 ELEVENTH CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

11 360. plaintiff incorporates paragraphs 76 through 81

12 361. on or about 02/14/13 plaintiff was in custody at Los Angeles County Jail and
13 was an inmate, plaintiff was therefore, placed among the class of persons to whom
14 defendants officers doe 8 and doe 9, lee baca, paul tanaka, and terri mcdonald
15 owed a duty as part of a special relationship,

16 362. defendants named SUPRA had a duty to use such skill, prudence, and diligence
17 as other members of his or her profession commonly possess and exercise,

18 363. defendants named SUPRA negligently failed to open the door and intervene
19 when plaintiff was being attacked by a stronger and more aggressive inmate, and
20 plaintiff was vulnerable, so as to cause plaintiff to be exposed to extended
21 pain and injuries while plaintiff was being beaten, and directly and proximately
22 caused the injuries and damages described below,

23 364. as a direct and proximate result of the negligence of defendants named SUPRA
24 plaintiff was punched in his face, eyes, and head for an extended period of time
25 causing plaintiff to be hurt and injured in his health, strength, and activity
26 sustaining injury to his nervous system and person, all of which injuries have
27 caused, and continue to cause, plaintiff great mental, physical, and emotional
28 and nervous pain and suffering.

1 365. defendants SUPRA acted knowingly, willfully, and maliciously, and with a
2 reckless and callous disregard for plaintiffs federally protected rights.

3 366. as a result of defendants SUPRA actions or omissions plaintiff suffered and
4 will continue to suffer extreme hardship and actual and impending irreparable
5 injury, pain, and emotional distress in that plaintiff required surgery to his
6 right eye due to this injury, plaintiff has lost visual acuity and has reoccurring
7 and continuing issues related to this injury.

8 TWELVETH CAUSE OF ACTION FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

9 367. plaintiff incorporates paragraphs 76 through 81

10 368. on or about 02/14/13 plaintiff was an inmate at Los Angeles County Jail and
11 was in the care of defendants officers doe 8 and doe 9,

12 369. on or about 02/14/13 at the disciplinary area of NCCF known as 900 max,
13 plaintiff yelled for help several times because plaintiff was being attacked by
14 the violent and dangerous inmate inside plaintiffs cell, in response defendants
15 officers doe 8 and doe 9 stood outside the cell with the door locked and watched
16 and listened to plaintiff being attacked, then made rude, and unprofessional
17 comments, shown in paragraph 80, defendants officers doe 8 and doe 9 also laughed
18 at the expense of plaintiff,

19 370. defendants officers doe 8 and doe 9's conduct was intentional and malicious
20 and done for the purpose of causing plaintiff to suffer mental anguish, and emot
21 ional and physical distress, defendants officers doe 8 and doe 9 conduct was done
22 with a wanton and reckless disregard of the consequences to plaintiff,

23 371. as the proximate result of the acts alleged above, plaintiff suffered fright
24 , worry, grief, shame, humiliation, and embarrassment and mental anguish, and emot
25 ional distress and physical distress because plaintiff became afraid for his life
26 and felt sudden and extreme terror, and sharp sorrow and annoyance, plaintiff
27 felt dishonored and disgraced and was disappointed by the reaction of defendants
28 officers doe 8 and doe 9, plaintiff felt a loss of pride, self respect and dignity

1 plaintiff felt burdened with shame and self-conscious, and was injured in mind and
2 body,

3 372. the acts of defendants officers doe 8 and doe 9 alleged above were willful,
4 wanton, malicious, and oppressive and justify the awarding of exemplary and punit
5 ive damages,

6 THIRTEENTH CAUSE OF ACTION FOR INADEQUATE MEDICAL CARE

7 373. plaintiff incorporates paragraphs 82 through 85

8 374. on or about 02/14/13 plaintiff was in custody at Los Angeles County Jail and
9 had a serious medical need because plaintiff had been attacked by another inmate
10 and plaintiff was struck several times in his face, eyes, and head, which caused
11 pain and injury, plaintiff was therefore, placed among the class of persons to
12 whom defendant nurse doe 10 owed a duty as part of a special relationship,

13 375. defendants nurse doe 10 failed to provide plaintiff with sufficient care
14 for his innjuries because plaintiff had sustained internal eye injuries,

15 376. defendant nurse doe 10 had knowledge of plaintiff's serious medical need
16 because it was clear and obvious that plaintiff had received trama to his eyes,
17 and defendant nurse doe 10 was deliberately indifferent to plaintiffs serious
18 medical needs,

19 377. defendant nurse doe 10's actions or omissions, violated plaintiffs right
20 to be free of cruel and unusual punishment, guaranteed by the 8th and 14th
21 amendments to the constitution,

22 378. as a direct and proximate result of defendant nurse doe 10's actions or omi
23 ssions, described in this complaint, plaintiff did not receive proper treatment
24 for his internal eye injuries caused by trama, and plaintiff was released from
25 jail with untreated injuries, which would go untreated until on or about 06/25/13
26 and plaintiff suffered, in that his condition worsened and caused substantial
27 medical issues that required surgery and other treatment as a result of defendants
28 nurse doe 10's provision of inadequate medical care,

1 379. defendant nurse doe 10 acted knowingly, willfully, and maliciously, and with a
 2 reckless and callous disregard for plaintiffs federally protected rights,

3 380. as a result of defendant nurse doe 10's actions or omissions, plaintiff has
 4 suffered and will continue to suffer extreme hardship and actual and impending irrep-
 5 arable injury, pain, and emotional distress in that plaintiff required surgery to
 6 his right eye and suffered loss of vision acuity along with several other issues
 7 that are reoccurring and continuing because of this provision of inadequate medical
 8 care by defendants nurse doe 10,

9 FOURTEENTH CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

10 381. plaintiff incorporates paragraphs 82 through 85

11 382. on or about 02/14/13 plaintiff was in custody at Los Angeles County Jail and
 12 was an inmate, plaintiff was therefore, placed among the class of persons to whom
 13 defendants nurse doe 10, lee baca, david fender, kelley fraser, ray leyva, ralph ornelas
 14 , karen dalton, kevin kuykendall owed a duty as part of a special relationship,

15 383. defendants named SUPRA had a duty to use such skill, prudence, and diligence as
 16 other members of his or her profession commonly possess and exercise,

17 384 A defendants named SUPRA negligently failed to provide or refer proper treatment
 18 for plaintiffs internal eye injuries, so that plaintiff would have complete and proper
 19 treatment for his injuries, and plaintiff could be released without further issues,
 20 plaintiffs internal eye injuries went undiagnosed, and untreated until on or about

21 06/25/13 when plaintiff was scheduled to see the on-site eye care doctor at NCCF,

22 384 B as a direct and proximate result of the negligence of defendants named SUPRA,
 23 plaintiffs internal eye injuries went undiagnosed , untreated , and plaintiffs eye
 24 health worsened over time, causing detached retina and causing plaintiff to require
 25 surgery on his right eye, and was hurt and injured in his health, strength, and acti-
 26 vity, sustaining injury to his nervous system and person, all of which injuries have
 27 caused, and continue to cause, plaintiff great mental, physical, emotional, and nerv-
 28 ous pain and suffering,

1 385. defendants named SUPRA acted negligently, willfully, and maliciously, and with
2 a reckless and callous disregard for plaintiffs federally protected rights,
3 386. as a result of defendants named SUPRA actions or omissions plaintiff has suffered
4 and will continue to suffer extreme hardship and actual and impending irreparable
5 injury, pain, and emotional distress in that plaintiff required surgery to his right
6 eye due to prior injury and plaintiffs visual acuity has deteriorated, plaintiff has
7 reoccurring and continuing issues related to this injury,

8 FIFTEENTH CAUSE OF ACTION FOR INADEQUATE MEDICAL CARE

9 387. plaintiff incorporates paragraphs 96 through 108

10 388. on or about 05/13/13 plaintiff was in custody at Los Angeles County Jail and had
11 a serious medical need because, plaintiff is severely nearsighted and was without
12 glasses, causing plaintiff to be legally blind, plaintiff was therefore, placed among
13 the class of persons to whom defendant doctor doe 12 owed a duty as part of a special
14 relationship,

15 389. defendant doctor doe 12 failed to provide plaintiff with any form of care or
16 assistance for plaintiffs vision impairment, although defendant doctor doe 12 had
17 several options that would of provided plaintiff with some form of assistance,

18 390. defendant doctor doe 12 had knowledge of plaintiffs vision impairment because
19 plaintiff had discussed it with defendant doctor doe 12, shown in paragraphs 100,101
20 and defendant doctor doe 12 denied plaintiff any care, shown in paragraph 102 ,
21 therefore, defendant doctor doe 12 was deliberately indifferent to plaintiffs serious
22 medical needs,

23 391. defendant doctor doe 12's actions or omissions violated plaintiffs right to be
24 free of cruel and unusual punishment, guaranteed by the 8th and 14th amendments to
25 the constitution,

26 392. as a direct and proximate result of defendant doctor doe 12's actions or omissions
27 described in this complaint, plaintiff was not provided any care or assistance for his
28 vision impairment and plaintiff was not cassified properly, then transfered to NCCF,

1 then plaintiff was expected to perform at the level of a normal inmate, plaintiff
 2 fell short of that expectation and was subjected to disciplinary action, plaintiff
 3 was placed at substantial risk of serious harm by being at NCCF and by being placed
 4 among the general population, on or about 06/15/13 plaintiff was injured and suffered
 5 injury, pain, and emotional distress in that plaintiff was struck in the left eye
 6 socket by an inmate who was involved in a riot, as a result of defendant doctor doe
 7 12's provision of inadequate medical care,

8 393. defendant doctor doe 12 acted knowingly, willfully, and maliciously, and with
 9 reckless and callous disregard for plaintiffs federally protected rights,

10 394. as a result of defendant doctor doe 12's actions or omissions plaintiff has
 11 suffered and will continue to suffer extreme hardship and actual and impending
 12 irreparable injury, pain, and emotional distress in that plaintiff required surgery
 13 to his left eye due to this injury, plaintiff has lost visual acuity and has reoccurring
 14 and continuing issues related to this injury,

15 SIXTEENTH CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

16 395. plaintiff incorporates paragraphs 96 through 108

17 396. on or about 05/13/13 plaintiff was in custody at Los Angeles County Jail and was
 18 an inmate, plaintiff was therefore, placed among the class of persons to whom
 19 defendants doctor doe 12, lee baca, david fender, kelley fraser, ray leyva, ralph
 20 ornelas, karen dalton, kevin kuykendall owed a duty as part of a special relationship

21 397. defendants named SUPRA had a duty to use such skill, prudence, and diligence as
 22 other members of his or her profession commonly possess and exercise,

23 398. defendants named SUPRA negligently allowed plaintiff to be placed among the
 24 general population, and negligently failed to provide such services or care to provide
 25 plaintiff with sufficient means of assistance with his vision impairment disability,
 26 so as to cause plaintiff to be vulnerable to substantial risks of serious harm,
 27 which directly and proximately caused the injuries and damages described below,

28 399. as a direct and proximate result of the negligence of defendants named SUPRA

1 plaintiff was transferred to NCCF, and exposed to several substantial risks of serious
2 harm then on or about 06/15/13 plaintiff was injured by another inmate who was invol-
3 ved in a racial riot, plaintiff was instructed to "lay down" by the officers who
4 responded, and plaintiff was vulnerable to attack by disability and by position,
5 plaintiff was struck in his left eye / eye socket and injured in his health, strength
6 , and activity, sustaining injury to his nervous system and person, all of which inj-
7 uries have caused, and continue to cause, plaintiff great mental, physical, emotional
8 and nervous pain and suffering,

9 400. defendants named SUPRA acted negligently, willfully, and maliciously, and with
10 a reckless and callous disregard for plaintiffs federally protected rights,

11 401. as a result of defendants named SUPRA actions or omissions plaintiff has suffered
12 and will continue to suffer extreme hardship and actual and impending irreparable
13 injury, pain, and emotional distress in that plaintiff required surgery to his left
14 eye due to this injury, plaintiff has lost visual acuity and has reoccurring and con-
15 tinuing issues related to this injury,

16 SEVENTEENTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

17 402. plaintiff incorporates paragraphs 96 through 108

18 403. on or about 05/13/13 plaintiff was an inmate at Los Angeles County Jail and was
19 in the care of defendant doctor doe 12,

20 404. on or about 05/13/13 at the inmate reception center located in TTCF, plaintiff
21 informed defendant doctor doe 12 that he was vision impaired and therefore required
22 help or assistance from defendant doctor doe 12, plaintiff was vulnerable and had
23 expressed how plaintiff has difficulty with his ability to navigate and walk safely,
24 in response, defendant doctor doe 12 ignored plaintiffs request for help and denied
25 plaintiff help with his disability,

26 405. defendant doctor doe 12's conduct was negligent and reckless or careless and done
27 for the purpose of defendant doctor doe 12's complacency and lack of care of duty,
28 defendant doctor doe 12's conduct was done with wanton and reckless disregard of the

1 consequences to plaintiff,

2 406, as the proximate result of the acts alleged above, plaintiff suffered fright,
3 worry, grief, and mental anguish and emotional and physical distress because plaintiff
4 felt very afraid of what would happen to him, and sudden and extreme terror about the
5 events in the near future, and sharp sorrow and difficulty or annoyance at the senario
6 and has been injured in mind and body,

7 407. the acts of defendant doctor doe 12 alleged above were negligent, wilful, wanton,
8 malicious, and oppressive and justify the awarding of exemplary and punitive damages.

9 EIGHTEENTH CAUSE OF ACTION FOR INADEQUATE MEDICAL CARE

10 408. plaintiff incorporates paragraphs 122 through 131

11 409. on or about 06/13/13 plaintiff was in custody at Los Angeles County Jail and had
12 a serious medical need because plaintiff is severely nearsighted and was without
13 glasses, causing plaintiff to be legally blind, plaintiff was therefore, placed among
14 the class of persons to whom defendant doctor doe 14 owed a duty as part of a special
15 relationship,

16 410. defendant doctor doe 14 failed to provide plaintiff with care or assistance for
17 plaintiffs vision impairment, although defendant doctor doe 14 had several options
18 that would of provided plaintiff with assistance,

19 411. defendant doctor doe 14 had knowledge of plaintiffs serious medical need because
20 plaintiff had discussed his vision impairment with defendant doctor doe 14, shown in
21 paragraph 124 , then defendant doctor doe 14 evaluated plaintiff and dismissed plaintiff
22 to the waiting area without any explination or assistance, shown in paragraph 128
23 then defendant doctor doe 14 referred plaintiff to see the on-site eye doctor, and
24 forwarded the safety concerns of plaintiff to a custody officer, shown in paragraph
25 131, however, none of defendant doctor doe 14's actions were helpful or assistive to
26 the needs of plaintiff, therefore, defendant doctor doe 14 was deliberately indifferent
27 to plaintiffs serious medical needs,
28

412. defendant doctor doe 14's actions or omissions violated plaintiffs right to be free of cruel and unusual punishment guaranteed by the 8th and 14th amendments to the constitution,

413. as a direct and proximate result of defendant doctor doe 14's actions or omissions described in this complaint plaintiff was returned back to his dorm in general population and exposed to several substantial risks of serious harm, then on or about 06/15/13 plaintiff was injured during a racial riot in his dorm, plaintiff was vulnerable and was told to lay prone on the ground, when another inmate chose to kick plaintiff in the left eye / eye socket causing plaintiff injury, pain, and distress in that plaintiff required to have surgery on his left eye as a result of defendant doctor doe 14's provision of inadequate medical care,

414. defendant doctor doe 14 acted willfully, and maliciously, and with reckless and callous disregard for plaintiff's federally protected rights,

415. as a result of defendant doctor doe 14's actions plaintiff has suffered and will continue to suffer extreme hardship and actual and impending irreparable injury, pain and emotional distress in that plaintiff required surgery to his left eye due to this injury, plaintiff has lost visual acuity and has reoccurring and continuing issues related to this injury,

NINETEENTH CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

416A plaintiff incorporates paragraphs 122 through 131

417A on or about 06/13/13 plaintiff was in custody at Los Angeles County Jail and was an inmate, plaintiff was therefore, placed among the class of persons to whom defendants doctor doe 14, lee baca, david fender, kelley fraser, ray leyva, ralph ornelas, karen dalton, kevin kuykendall owed a duty as part of a special relationship,

418A defendants named SUPRA had a duty to use such skill, prudence, and diligence as other members of his or her profession commonly possess and exercise,

416B defendants named SUPRA negligently allowed plaintiff to return to his dorm among general population and failed to provide plaintiff with assistance for his vision

1 impairment , although there were options available to provide plaintiff with
 2 assistance for his disability, so as to cause injuries and damages described below,
 3 417B as a direct and proximate result of the negligence of defendants named SUPRA
 4 plaintiff was returned to his dorm in general population without assistance and unable
 5 to see properly, and on or about 06/15/13 plaintiff was injured in his left eye / eye
 6 socket by an inmate who was involved in a racial riot, plaintiff was vulnerable and
 7 unable to prevent injury because plaintiff could not see properly, and was hurt in his
 8 health, strength, and activity, sustaining injury to his nervous system and person,
 9 all of which injuries have caused and continue to cause plaintiff great mental, physical
 10 emotional and nervous pain and suffering,

11 418B defendants named SUPRA acted knowingly, willfully, and maliciously, and with a
 12 reckless and callous disregard for plaintiffs federally protected rights.

13 419B as a result of defendants named SUPRA actions or omissions plaintiff has suffered
 14 and will continue to suffer extreme hardship and actual and impending irreparable injury
 15 pain, and emotional distress in that plaintiff required surgery to his left eye due to
 16 this injury, plaintiff has lost visual acuity and has reoccurring and continuing issues
 17 related to this injury.

18 TWENTIETH CAUSE OF ACTION FOR FAILURE TO PROTECT

19 420. plaintiff incorporates paragraphs 136 through 143

20 421. on or about 06/13/13 plaintiff was in custody at Los Angeles County Jail, therefore
 21 plaintiff was placed among the class of persons to whom defendant custody assistant doe
 22 15 owed a duty as part of a special relationship,

23 422. defendant custody assistant doe 15 was made aware of the safety concerns that
 24 plaintiff conveyed to defendant doctor doe 14 during consultation, Defendant custody
 25 assistant doe 15 took it upon himself to investigate the safety concerns of plaintiff
 26 regarding living in dorm 726 while unable to see, plaintiff answered several questions
 27 asked by custody assistant doe 15, shown in paragraph 138 , then plaintiff requested
 28 defendant custody assistant doe 15's help to help plaintiff find more suitable housing

1 shown in paragraph 140, then defendant custody assistant doe 15 refused to help
2 plaintiff with his safety concerns and reassured plaintiff that his dorm was fine
3 and asked plaintiff to return to his dorm, shown in paragraphs 141, 142
4 423. plaintiff alleges that defendant custody assistant doe 15 exposed plaintiff to
5 the following substantial risks of serious harm, (1) classification, plaintiff was
6 not classified properly, plaintiff had a vision impairment by meaning of physical dis
7 ability, therefore, plaintiff was placed at risk in general, (2) plaintiff was vulnerabl
8 because plaintiff could not see properly, and therefore, was an obvious target for
9 potential abuse by other stronger aggressive inmates, (3) inmate-on-inmate violence
10 was common and uncontrolled and was an obvious and pervasive risk with long standing
11 history at the jail, (4) overcrowding, due to AB 109 the jail was at a constant max
12 capacity or over capacity, therefore causing excessive risk of violence, (5) understa-
13 fffing , the jail was not staffed with enough guards to provide adequate safety,
14 (6) insufficient inspections, guards often failed to conduct sufficient inspections to
15 provide inmate safety, (7) state of nature, guards lack of supervision often allowed
16 inmates to exercise too much control over other inmates, causing a state of nature were
17 everyone runs wild, (8) attacker was unusually dangerous, plaintiff was placed into a
18 dorm with several dangerous and violent inmates who posed significant risks, (9)
19 officers encouraged attack, several officers would intentionally walk away or leave
20 their posts and notify inmates that they would be gone for several minutes leaving
21 inmates to fend for themselves,

22 424. defendant custody assistant doe 15 knew that plaintiff had a vision impairment
23 , shown in paragraph 139 , and knew that plaintiff was vulnerable by statements made
24 by plaintiff, shown in paragraph 139, defendant custody assistant doe 15 knew that there
25 was a high rate of inmate-on-inmate violence at the jail, and knew that the jail was
26 constantly overcrowded, and constantly understaffed with guards, defendant custody
27 assistant 15 knew that guards were not performing sufficient inspections and knew that
28 inmates were controlling other inmates often, and that inmates in the dorm were dangerous

1 defendant custody assistant doe 15 knew that officers would often intentionally leave
 2 their post and allow inmates to conduct acts of violence and punishment to other inmates
 3 425. defendant custody assistant doe 15 failed to prevent any of the risks mentioned
 4 above, and failed to respond reasonably to plaintiff's safety concerns or abate the
 5 substantial risk of serious harm, posed to caused plaintiff injury or damage,

6 426. as the proximate and direct result of defendant custody assistant doe 15's actions
 7 and omissions, plaintiff was sent back to live in his dorm and exposed to several
 8 substantial risks of serious harm, then plaintiff was injured on or about 06/15/13
 9 when plaintiff was vulnerable and laying on the ground as officers had told him to
 10 because several inmates were fighting during a racial riot, plaintiff was kicked in the
 11 left eye / eye socket and caused injury , pain and disress,

12 427. defendant custody assistant doe 15 acted knowingly, willfully, and mailiciously,
 13 and with reckless and callous disregard for plaintiffs federally protected rights,

14 428. as a result of defendant custody assistant doe 15's actions or omissions plaintiff
 15 has suffered and will continue to suffer extreme hardship and actual and impending
 16 irreparable injury, pain, and emotional distress in that plaintiff required surgery on
 17 his left eye due to this injury, plaintiff has lost visual acuety and has reoccurring
 18 and continuing issues related to this injury,

19 TWENTY FIRST CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

20 429. plaintiff incorporates paragraphs 136 through 143

21 430. on or about 06/13/13 plaintiff was in custody at Los Angeles County Jail and was
 22 an inmate, plaintiff was therefore, placed among the class of persons to whom defendants
 23 custody assistant doe 15, lee baca, paul tanaka, and terri mcdonald owed a duty as
 24 part of a special relationship,

25 431. defendants named SUPRA , had a duty to use such skill, prudence, and diligence
 26 as other members of his or her profession commonly possess and exercise,

27 432. defendants named SUPRA negligently allowed plaintiff to return to his dorm while
 28 his vision was impaired and exposed plaintiff to several substantial risks of serious

1 harm, and failed to provide plaintiff with assistance in maintaining plaintiffs safety
 2 defendants named SUPRA negligently refused to assist plaintiff with his vision problem
 3 so as to cause plaintiff to be exposed to dangerous circumstances where a racial riot
 4 began and plaintiff was vulnerable, and plaintiff was injured on or about 06/14/13 by
 5 another inmate who kicked plaintiff in the eye / eye socket and caused injury, pain ,
 6 and emotional distress,

7 433. as a direct and proximate result of the negligence of defendants named SUPRA,
 8 plaintiff was kicked in his left eye / eye socket and injured in his health, strength
 9 and activity, sustaining injury to his nervous system and person, all of which injuries
 10 have caused and continue to cause plaintiff great mental physical, emotional, and ner
 11 vous pain and suffering,

12 434. defendants named SUPRA acted negligently, willfully, and maliciously, and with
 13 reckless and callous disregard for plaintiffs federally protected rights,

14 435. as a result of defendants named SUPRA actions or omissions, plaintiff has
 15 suffered and will continue to suffer extreme hardship and actual and impending
 16 irreparable injury, pain, and emotional disterss in that plaintiff required surgery to
 17 his left eye due to this injury, plaintiff has lost visual acuety and has reoccurring
 18 and continuing issues related to this injury,

19 TWENTY-SECOND CAUSE OF ACTION FOR FAILURE TO PROTECT (10 counts)

20 436. plaintiff incorporates paragraphs 143 through 153

21 437. on or about 06/15/13 plaintiff was in custody at Los Angeles County Jail, therefore
 22 plaintiff was placed among the class of persons to whom defendants officers doe 16
 23 through 26 owed a duty as part of a special relationship,

24 438. defendants officers doe 16 through 26 responded to the fighting during a racial
 25 riot, then carelessly began to shout through the bars or gate located near the door
 26 to dorm 726, each officer shouted such phrases like "lay down" and "lay down now" and
 27 "get down" and "get down on the ground now" , and plaintiff responded by laying down
 28 prone on the floor while other inmates either kept fighting or layed down prone also,

1 therefore, plaintiff was placed in a vulnerable position because (1) plaintiff was
2 susceptible to attack while laying prone, and (2) plaintiff was unable to see due
3 to his vision impairment disability and unable to mitigate any threat or attack posed
4 to cause him harm, defendants officers doe 16 through 26 failed to safely intervene
5 in the fighting, although they had several options and methods to use that would of
6 intervened safely, and they had the training and knowledge to safely intervene in
7 racial rioting without causing inmates to suffer unnecessary risk or injury,
8 439. plaintiff alleges that defendants officers doe 16 through doe 26 exposed plaintiff
9 to the following substantial risks of serious harm, (1) improper classification, pla-
10 intiff was vision impaired, by meaning of physical disability, and therefore was placed
11 at general risks of injury, (2) plaintiff was vulnerable, plaintiff could not see
12 properly, therefore plaintiff was an obvious target for potential abuse by stronger
13 and more aggressive inmates, (3) high rate of violence, inmate-on-inmate violence was
14 common and uncontrolled and was an obvious and pervasive risk with long standing
15 history at the jail, overcrowding, due to AB 109 the jail was at a constant max
16 capacity, inmates who normally would be in prisons were in jail, causing excessive risk
17 (5) understaffing, the jail was often not staffed with enough guards to provide adeq-
18 uate safety, (6) insufficient inspections, guards often failed to make sufficient
19 inspections of inmate living areas, (7) state of nature, guards lack of supervision
20 often allowed inmates to exercise too much control over other inmates, creating a
21 state of nature where everyone runs wild, (8) attacker was unusually dangerous,
22 plaintiff was placed into a dorm with several known violent and dangerous inmates who
23 acted aggressive and had a history of exercising control over other inmates, (9)
24 officials encouraged attack, plaintiff was told to laydown during obvious fighting
25 and clear and present danger, therefore putting plaintiff at extended risk intentionally
26 440. defendants officers doe 16 through doe 26 knew or had reason to know that plaintiff
27 was vision impaired because plaintiff had made it clear to officers at a previous time
28 who worked in the same housing area, and because officers often exchanged information

1 and gossiped, or exchanged reports and or reviewed other officers reports, and also
 2 knew that plaintiff was vulnerable, or had reason to know plaintiff was vulnerable,
 3 defendants officers doe 16 through doe 26 also knew that there was a high rate of
 4 inmate-on-inmate violence at the jail, and knew that the jail was in a state of
 5 overcrowding, defendants officers doe 16 through doe 26 knew that the jail was often
 6 understaffed and that guards often failed to conduct sufficient inspections of inmate
 7 living areas, and also knew that inmates would often exercise control over other inmates
 8 defendants officers doe 16 through doe 26 knew that several dangerous inmates were
 9 rioting in dorm 726 and knew that their own conduct may cause risk or injury to a inmate
 10 441. defendants officers doe 16 through doe 26 failed to respond to the substantial
 11 risks of serious harm alleged above and failed to abate the risks of injury to plaintiff
 12 defendants officers doe 16 through doe 26 could of used other methods to stop the fight
 13 ing that was happening in dorm 726 before placing plaintiff in danger of injury,
 14 442. as a proximate and direct result of defendants officers doe 16 through doe 26's
 15 actions or omissions plaintiff was kicked in his left eye / eye socket and sustained
 16 injury, pain, and distress,

17 443. defendants officers doe 16 through doe 26 acted knowingly, willfully, and malicio-
 18 usly, and with reckless and callous disregard for plaintiffs federally protected rights

19 444. as a result of defendants officers doe 16 through 26's actions or omissions
 20 plaintiff has suffered and will continue to suffer extreme hardship and actual and
 21 impending irreparable injury, pain, and emotional distress in that plaintiff required
 22 surgery to his left eye due to this injury, plaintiff has lost visual acuety and has
 23 reoccurring and continuing issues related to this injury,

24 TWENTY_THIRD CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

25 445. plaintiff incorporates paragraphs 143 through 153

26 446. on or about 06/15/13 plaintiff was in custody at Los Angeles County Jail and was
 27 an inmate, plaintiff was therefore, placed among the class of persons to whom defendants
 28 officers doe 16 through doe 26, lee baca, paul tanaka, and terri mcdonald owed a duty

1 as part of a special relationship,

2 447. defendants named SUPRA, had a duty to use such skill, prudence, and diligence as
3 other members of his or her profession commonly possess and exercise,

4 448. defendants named SUPRA negligently failed to intervene in the fighting that took
5 place in dorm 726 during a racial riot, and negligently placed plaintiff into a state
6 of vulnerability by asking him to lay down prone while other inmates were fighting
7 near by , so as to cvause plaintiff to be vulnerable to attack or injury and directly
8 and proximately caused the injuries and damages described below,

9 449. as a direct and proximate result of the negligence of defendants named SUPRA's
10 plaintiff was kicked in the left eye / eye socket by an inmate who was fighting near
11 by then plaintiff was injured in his health, strength, and activity, sustaining injury
12 to his nervous system and person, all of which injuries have caused, and continue to
13 cause plaintiff great mental, physical, emotional, and nervous pain and suffering,

14 450. defendants named SUPRA acted knowingly, willfully, and maliciously, and with a
15 reckless and callous disregard for plaintiffs federally protected rights,

16 451. as a result of defendants named SUPRA actions or omissions plaintiff has suffered
17 and will continue to suffer extreme hardship and actual and impending irreparable
18 injury, pain, and emotional distress in that plaintiff required surgery to his left
19 eye due to this injury, plaintiff has lost visual acuety and has reoccurring and
20 continuing issues related to this injury,

21 TWENTY-FOURTH CAUSE OF ACTION FOR INADEQUATE MEDICAL CARE

22 452. plaintiff incorporates paragraphs 153 through 162

23 453. on or about 06/15/13 plaintiff was in custody at Los Angeles County Jail and had
24 a serious medical need because plaintiff had been kicked in the eye/ eye socket and
25 plaintiff was injured in his left eye, therefore, plaintiff was placed among the class
26 of persons to whom defendant nurse doe 27 owed a duty as part of a special relationship

27 454. defendant nurse doe 27 failed to provide adequate medical care for plaintiff's
28 left eye injury, because plaintiff has internal eye injuries and other injuries,

1 455. plaintiff had been kicked in the left eye / eye socket by an inmate during a
2 racial riot, plaintiff explained that he was injured in his left eye and that it
3 was bleeding a little bit but it stopped bleeding, shown in paragraph 157,

4 456. plaintiff showed the bloody tissue to defendant nurse doe 27 and defendant nurse
5 doe 27 told plaintiff that it was probably just a scratch, shown in paragraphs 157,158
6 457. plaintiff was treated for swelling, however, plaintiff was not treated or referred
7 to a specialist for his eye injuries, although there were several options of care
8 that defendant nurse doe 27 could of used to provide some form of care for plaintiffs
9 left eye injuries,

10 458. defendant nurse doe 27 had knowledge of plaintiff's injuries and knew that his
11 left eye had been bleeding, therefore, defendant nurse doe 27 was deliberately indiff-
12 erent to plaintiffs serious medical needs,

13 459. defendant nurse doe 27's actions or omissions violated plaintiffs right to be free
14 of cruel and unusual punishment, guaranteed by the 8th and 14th amendments to the
15 constitution,

16 460. as a direct and proximate result of defendants actions or omissions, described in
17 this complaint plaintiffs left eye injuries went untreated for approximately 10 days
18 and plaintiffs injuries worsened as plaintiffs retina detached further and plaintiff
19 suffered injury, pain, and emotional distress in that plaintiff required surgery to
20 his left eye, however, plaintiffs left eye condition worsened until he met with the
21 on-site eye care doctor at NCCF, as a result of defendant nurse doe 27's carelessness

22 461. defendant nurse doe 27 acted knowingly, willfully, and maliciously, and with a
23 reckless and callous disregard for plaintiffs federally protected rights,

24 462. as a result of defendant nurse doe 27's actions or omissions plaintiff suffered
25 and will continue to suffer extreme hardship and actual and impending irreparable
26 injury, pain, and emotional distress in that plaintiff was not treated properly,

27 TWENTY-FIFTH CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

28 463. plaintiff incorporates paragraphs 153 through 162

1 464. on or about 06/15/13 plaintiff was in custody at Los Angeles County Jail and was
2 an inmate, plaintiff was therefore, placed among the class of persons to whom defendant
3 nurse doe 27, lee baca, david fender, kelley fraser, ray leyva, ralph ornelas, karen
4 dalton, kevin kuykendall owed a duty as part of a special relationship,

5 465. defendants named SUPRA, had a duty to use such skill, prudence, and diligence as
6 other members of his or her profession commonly possess and exercise,

7 466. defendants named SUPRA negligently failed to provide plaintiff with proper medical
8 care for his left eye injuries sustained because plaintiff was kicked in the eye /
9 eye socket by another inmate who was involved in fighting during a riot in dorm 726
10 defendants named SUPRA knew that plaintiff was injured in his eye area and failed to
11 provide sufficient treatment or refer treatment to a specialist, therefore, plaintiffs
12 eye injuries went untreated until plaintiff was seen by the on site eye care doctor
13 approximately 10 days later, which happened to be an appointment to meet with the
14 on-site eye care doctor, not a referral to the eye care doctor for eye injuries,

15 467. as a direct and proximate result of the negligence of defendants named SUPRA
16 plaintiffs injuries to his left eye went undiagnosed and untreated for approximately
17 10 days while plaintiffs eye condition worsened, plaintiff required surgery on his left
18 eye and was hurt and injured in his health, strength, and activity, sustaining injury
19 to his nervous system and person, all of which injuries have caused and continue to
20 cause plaintiff great mental, physical, emotional, and nervous pain and suffering,

21 468. defendants named SUPRA acted knowingly, willfully, and maliciously, and with a
22 reckless and callous disregard for plaintiffs federally protected rights,

23 469. as a result of defendants named SUPRA actions or omissions plaintiff has suffered
24 and will continue to suffer extreme hardship and actual and impending irreparable
25 injury, pain, and emotional distress in that plaintiff required surgery to his left
26 eye and plaintiffs condition deteriorated or worsened over time,

27 TWENTY-SIXTH CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

28 470. plaintiff incorporates paragraphs 201 through 211

1 471. on or about 12/25/13 plaintiff was in custody at Los Angeles County Jail and was
2 an inmate, plaintiff was therefore, placed among the class of persons to whom defendants
3 chaplains doe 33 and doe 34, lee baca, terri mcdonald owed a duty as part of a special
4 relationship,

5 472. defendants named SUPRA had a duty to use such skill, prudence, and diligence as
6 other members of his or her profession commonly possess and exercise,

7 473. defendants named SUPRA negligently came to visit plaintiff and failed to use the
8 pass or ducat system where plaintiff would receive a printed pass and then plaintiff
9 would walk to a destination specified on the pass, for various purposes including
10 meetings between chaplains and inmates, and negligently chose to ask the officer on
11 duty at the control booth for dorms 5800 - 5900, to request that plaintiff come to the
12 hallway and meet with defendants chaplains doe 33 and doe 34, plaintiffs religious
13 status and privileged information was easily eavesdropped upon by inmates who had ill
14 motives towards plaintiffs religious status and practices, therefore, plaintiff was
15 unknowingly exposed along with his religious status and his privileged information to
16 several anti-semitic gang members known as skin heads, because of defendants chaplains
17 doe 33 and doe 34's actions or omissions, so as to cause plaintiff to be targeted by
18 anti-semitic gang members and directly and proximately caused the injuries and damages
19 described below,

20 474. as a direct and proximate result of the negligence of defendants named SUPRA
21 plaintiff was targeted by dangerous inmates who followed the ideals of anti-semitism
22 and were part of skin head gangs such as arayan brotherhood and peckerwoods and p9
23 then plaintiff was brutally beaten on or about 12/31/13 by those same skin heads and
24 plaintiff was severely injured in his face, eyes, nose and was hurt and injured in his
25 health, strength, and activity, sustaining injury to his nervous system and person
26 all of which injuries have caused and continue to cause plaintiff great mental, physical
27 , emotional, and nervous pain and suffering,

28 475. defendants named SUPRA acted negligently, willfully, and maliciously, and with a

1 reckless and callous disregard for plaintiffs federally protected rights,
2 476. as a result of defendants named SUPRA actions or omissions plaintiff has suffered
3 and will continue to suffer extreme hardship and actual and impending irreparable
4 injury, pain, and emotional distress in that plaintiff required surgery to his face
5 and right eye due to this injury, plaintiff has vision complications and has reoccurring
6 and continuing issues related to this injury,

7 TWENTY-SEVENTH CAUSE OF ACTION FOR FAILURE TO PROTECT

8 477. plaintiff incorporates paragraphs 201 through 206

9 478. on or about 12/25/13 plaintiff was in custody at Los Angeles County Jail and was
10 therefore, placed among the class of persons to whom defendant officer doe 35 owed a
11 duty as part of a special relationship,

12 479. defendant officer doe 35 failed to follow procedures set in place to protect
13 the privileged and confidential information of inmates, defendant officer doe 35 chose
14 to listen to defendants chaplains doe 33 and doe 34 when they had requested that
15 plaintiff be made available, defendant officer doe 35 chose to carelessly tell another
16 third party inmate to go get the plaintiff, and then voluteered privileged or confiden-
17 tial information to that third party inmate by telling him that there was some jewish
18 people waiting to meet with plaintiff in the hallway just outside dorm 5800,
19 therefore, defendant officer doe 35 exposed plaintiff's private, privileged, and confi-
20 dential information to anti-semetic gang members who were hostile and dangerous toward
21 jewish people in general, defendant officer doe 35 failed to protect plaintiff by
22 failing to conduct himself appropriately and by failing to follow procedures,

23 480. plaintiff alleges that defendant officer doe 35 exposed plaintiff to the following
24 substantial risks of serious harm, (1) classification, plaintiff was a medical post
25 operative inmate who was recovering from surgerys and still required medications and
26 was placed among several other classes of inmates not related to medical needs and
27 was placed at a risk in general, (2) plaintiff was vulnerable, and other inmates could
28 easily pick on or harrass plaintiff, and plaintiff was a target for stronger inmates,

(3) there was a high amount of inmate-on-inmate violence at the jail and this was an obvious and pervasive risk with long standing history at the jail, (4) overcrowding, the jail was over crowded due to AB 109 where inmates that would normally be in prison were kept in dorms such as 5800, creating excessive risks, (5) understaffing, there was not enough guards to safely monitor both dorms 5800 and 5900 so one guard would watch both areas, although they were on opposite ends of the control booth, (6) there were insufficient inspections in the inmate living areas, (7) state of nature, inmates often were exercising too much control over other inmates and over the communications between the control booth and other inmates, creating a state of nature where everyone runs wild, (8) attackers were unusually dangerous, the inmates who discovered plaintiff was jewish then informed anti-semitic gang members who were hostile and violent toward jewish people in general, creating dangerous circumstances for plaintiff and causing substantial risk of serious harm, (9) official encouraged, defendant officer doe 35 acted in a careless and reckless manner with plaintiff's information and therefore, through his own conduct assisted and aided the anti-semitic gang members in finding a target for which they would later brutally assault and injure while they became utterly intoxicated and committed acts of malicious and sadistic intent upon plaintiff, 481. defendant officer doe 35 knew that plaintiff was a post operative inmate who was recovering from surgery and treatment, and knew that plaintiff was vulnerable to injury defendant officer doe 35 also knew that there was a high rate of inmate-on-inmate violence at the jail, and knew that the jail was overcrowded, defendant officer doe 35 knew that the jail was understaffed and knew that there were insufficient inspections, and knew that inmates often exercised too much control over other inmates and over the communications to and from the control booth in dorm 5800 and abroad, defendant officer doe 35 also knew that many inmates in dorm 5800 were potentially dangerous and that if unchecked would cause violence between inmates, and knew that their own conduct was questionable, and often was not in compliance with procedures set in place to maintain order and safety for other inmates as well as officers who work at the jail,

1 482. defendant officer doe 35 did not respond reasonably to the substantial risks of
 2 serious harm stated above, and failed to abate risks to plaintiff while dealing with
 3 plaintiff's information, and while performing his duties toward plaintiff and infact
 4 defendant officer doe 35's actions increased risk of danger and injury to plaintiff,
 5 483. as a proximate and direct result of defendant officer doe 35's actions or omission
 6 plaintiff was exposed to anti-semetic inmates known as skin heads who operate as gangs
 7 and often target jewish people for acts of violence and sadistic , evil , and malicious
 8 acts, then plaintiff was subjected to mistreatment for approximately 5 days and forced
 9 to perform chores and other duties with no compensation, then plaintiff was the victim
 10 of a brutal display of violence when several skin heads became drunk on home made wine
 11 and savagely attacked plaintiff, causing plaintiff to suffer serious injury, pain, and
 12 distress, plaintiffs left eye socket, nose and right eye were damaged, along with other
 13 damages to plaintiff,

14 484. defendant officer doe 35 acted knowingly, willfully, and maliciously, and with a
 15 reckless and callous disregard for plaintiffs federally protected rights,

16 485. as a result of defendant officer doe 35's actions or omissions plaintiff has suff-
 17 ered and will continue to suffer extreme hardship and actual and impending irreparable
 18 injury, pain, and emotional distress in that plaintiff required surgery to his left
 19 eye socket, face, and right eye due to this injury, plaintiff has lost visual acuety
 20 and has vision complications that are extensive and reoccurring and continuing that cause
 21 issues to plaintiff related to this injury,

22 TWENTY-EIGHTH CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

23 486. plaintiff incorporates paragraphs 201 through 206

24 487. on or about 12/25/13 plaintiff was in custody at Los Angeles County Jail and was
 25 an inmate, plaintiff was therefore, placed among the class of persons tho whom defendant
 26 officer doe 35, lee baca, terri mcdonald owed a duty as part of a special relationship,

27 488. defendants named SUPRA had a duty to use such skill, prudence, and diligence as
 28 other members of his or her profession commonly possess and exercise,

1 489. defendants named SUPRA negligently dealt with plaintiffs information and
 2 then caused anti-semetic gang members known as skin heads to discover that
 3 plaintiff was jewish, defendants named SUPRA acted carelessly in dealing with
 4 plaintiff and the circumstances sourrounding plaintiff, so as to cause the creation
 5 of danger and substantial risk of serious harm to the plaintiff, and directly
 6 and proximately caused the injuries and damages described below,

7 490. as the proximate and direct result of the negligence of defendants named
 8 SUPRA plaintiff was violently attacked by intoxicated skin heads on or about
 9 12/31/13 plaintiff sustained injuries to his left eye socket , face, and right eye
 10 and was hurt and injured in his health, strength, and activity, sustaining injury
 11 to his nervous system and person, all of which injuries have caused and continue
 12 to cause plaintiff great mental, physical, emotional and nervous pain and suffering

13 491. defendants named SUPRA acted knowingly, willfully, and maliciously, and with
 14 a reckless and callous disregard for plaintiffs federally protected rights,

15 492. as a result of defendants named SUPRA actions or omissions plaintiff has
 16 suffered and will continue to suffer extreme hardship and actual and impending
 17 irreparable injury, pain, and emotional distress in that plaintiff required
 18 surgery to his left eye socket, face, and right eye due to this injury, plaintiff
 19 has lost visual acuety and has complications that affect his vision, and has
 20 reoccurring and continuing issues related to this injury,

21 TWENTY-NINETH CAUSE OF ACTION FOR FAILURE TO PROTECT

22 493. plaintiff incorporates paragraphs 212 through 217

23 494. on or about 12/26/13 plaintiff was in custody at Los Angeles County Jail
 24 therefore, plaintiff was placed among the class of persons to whom defendants
 25 officer doe 36 owed a duty as part of a special relationship,

26 495. defendant officer doe 36 carelessly allowed other inmates to force plaintiff
 27 to move to another bed, and allowed other inmates to control communications to
 28 and from the control booth, therefore, plaintiff could not complain about his bed

1 therefore, plaintiff was forced to move his bed and also forced to perform chores
2 and plaintiff had no recourse to complain or request intervention of officials,
3 defendant officer doe 36 was oblivious to the fact that plaintiff was forced to
4 move to another bed and was oblivious to the fact that plaintiff was being forced
5 to perform labor in the form of sweeping, mopping, and trash without compensation
6 for his work, which is standard for any inmate porter or trustee,

7 496. plaintiff alleges that officer doe 36 exposed plaintiff to the following
8 substantial risks of serious harm, (1) classification, plaintiff was a post op-
9 erative medical inmate who was recovering from surgery and treatments and was
10 still receiveing care and medications and should not have been grouped into the
11 same living area as violent or transitional inmates who were more aggressive,
12 (2) plaintiff was unusually vulnerable, plaintiff was not able to stand up aga-
13 inst several inmates who were demanding he move to anther bed, and officers
14 were not helpful to assist plaintiff in keeping his bed, (3) high rate of inmate
15 on inmate violence was a clear and pervasive risk with long standing history,
16 (4) the jail was overcrowded due to AB 109 which kept inmates in jail rather
17 than prison, and caused excessive risks, (5) understaffing, the jail was under
18 staffed and there was only one guard in the control booth for 5800 and 5900 both
19 (6) guards failed to conduct sufficent inspections of inmate living areas and
20 (7) state of nature, guards lack of supervision often allowed inmates to exercise
21 too much control over other inmates and over the communications to and from the
22 control booths in 5800 and abroad, (8) inmates were unusually aggressive and
23 were obviously making their own rules to which went unchecked by officials,
24 (9) officials own conduct was ignorant of the ongoings and innerworkings of
25 the very living areas that they were assigned to monitor, causing several risks
26 497. defendant officer doe 36 knew that plaintiff was a medical inmate with
27 medically related issues and knew that plaintiff was vulnerable to be targeted
28 by other stronger and more aggressive inmates , and knew inmate violence was high

1 and common and uncontrolled at the jail, defendant officer doe 36 knew that the
2 jail was overcrowded and always at high capacity of inmates, and knew that the
3 jail was understaffed in some areas such as 5800, defendant officer doe 36 knew
4 that officers failed to perform sufficient inspections of inmate living areas
5 and knew that inmates would often exercise too much control over other inmates
6 and over the communications to and from the officers, and knew that there were
7 a large number of potentially dangerous inmates in the living area with plaintiff
8 defendant officer doe 36 knew that his own conduct was not sufficient enough to
9 maintain safety in the dorm and was unable to make the necessary changes to
10 provide inmates with sufficient safety,

11 498. defendant officer doe 36 failed to respond to the substantial risks of
12 serious harm alleged above, and failed to abate any risks posed to cause plaintiff
13 substantial injuries or serious injuries, in fact defendant officer doe 36's
14 conduct was complacent and ignorant to any risks and overlooked any risks as
15 beyond the scope of his duties, when in fact it was his duty to abate risks,
16 which he ignored completely and carelessly,

17 499. as the direct and proximate result of defendant officer doe 36's actions
18 or omissions, plaintiff was forced to move to another part of the dorm, and
19 forced to live on the most undesirable bed in the dorm, plaintiff was also
20 forced to perform manual labor in the form of sweeping, mopping, and tending
21 to trash all without compensation that is standard for any jail porter or trustee
22 plaintiff was subjected to these conditions or face physical violence from
23 several inmates, and defendant officer doe 36 was ignorant to any of the activi
24 ties that had taken place, defendant officer doe 36 was aware that inmates were
25 being restricted in communicating to and from the control booth and defendant
26 officer doe 36 did not do anything to prevent it, ultimately plaintiff was
27 later on subjected to violence at the hands of anti-semitic inmates who had
28 learned plaintiff was jewish then began to manipulate plaintiff as shown above

1 500. defendant officer doe 36 acted willfully, knowingly, and maliciously, and
2 with reckless and callous disregard for plaintiffs federally protected rights,
3 501. as a result of defendant officer doe 36's actions or omissions plaintiff
4 has suffered and will continue to suffer extreme hardship and actual and impend-
5 ing irreparable injury, pain, and emotional distress in that plaintiff would be
6 set up for a savage attack later on or about 12/31/13 then plaintiff was seriously
7 injured in his left eye socket, his face, and his right eye, and plaintiff required
8 surgery on his left eye socket, face, and right eye also due to this injury,
9 plaintiff has lost visual acuety and has vision issues and complications that
10 are reoccurring and continuing related to this injury,

11 THIRTYTH CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

12 502. plaintiff incorporates paragraphs 212 through 217

13 503. on or about 12/26/13 plaintiff was in custody at Los Angeles County Jail
14 and was an inmate, plaintiff was therefore, placed among the class of persons
15 to whom defendants officer doe 36, lee baca, terri mcdonald owed a duty as part
16 of a special relationship,

17 504. defendants named SUPRA had a duty to use such skill, prudence, and diligence
18 as other members of his or her profession commonly possess and exercise,

19 505. defendants named SUPRA negligently allowed inmates to restrict and prevent
20 communications to and from the control booth and therefore, plaintiff was unable
21 to complain when several inmates forced plaintiff to move to another bed and
22 forced plaintiff to perform manual labor such as sweeping, mopping, and tend to
23 the trash without any compensation for his work, although jail porters and trus-
24 tees often and commonly receive some form of compensation for labor, then
25 plaintiff was manipulated into living in an area that was the least desireable
26 bed in the dorm and then plaintiff was set up for a vicious assult by intoxicated
27 inmates who had learned plaintiff was jewish and had plotted to make plaintiff
28 their subject of abuse when plaintiff was attacked on or about 12/31/13 then

1 plaintiff was injured in his left eye socket, face, and right eye, then suffered
2 506. as a direct and proximate result of the negligence of defendants named SUPRA
3 plaintiff was injured in his left eye socket, face, and right eye, and was hurt
4 and injured in his health, strength, and activity, sustaining injury to his
5 nervous system and person, all of which injuries have caused, and continue to
6 cause plaintiff great mental, physical, emotional, and nervous pain and suffering
7 507. defendants named SUPRA acted negligently, willfully, and maliciously, and
8 with a reckless and callous disregard for plaintiffs federally protected rights,
9 508. as a result of defendants named SUPRA action or omissions, plaintiff has
10 suffered and will continue to suffer extreme hardship and actual and impending
11 irreparable injury, pain, and emotional distress in that plaintiff was attacked
12 beaten and innjured in his left eye socket, face, and right eye, then required
13 surgery on his left eye socket, face, and right eye due to this injury and the
14 plaintiff has lost visual acuety and has vison issues and complications that
15 are reoccurring and continueing related to this injury,

16 THIRTY-FIRST CAUSE OF ACTION FOR FAILURE TO PROTECT

17 509. plaintiff incorporates paragraphs 219 through 236

18 510. on or about 12/31/13 plaintiff was in custody at Los Angeles County Jail,
19 therefore, plaintiff was placed among the class of persons to whom defendant
20 officer doe 37 owed a duty as part of a special relationship,

21 511. defendant officer doe 37 was on duty inside the control booth and his
22 primary responsibilities were to watch dorm 5800 and 5900 and monitor inmate
23 activities in both dorms, and also conduct various other tasks related to inmates
24 and the needs of inmates, defendant officer doe 37 was oblivious to the fact .
25 that plaintiff had been attacked by other inmates or that plaintiff required
26 emergency medical attention, therefore, defendant officer doe 37 was careless
27 or reckless in his duties toward plaintiff and failed to provide plaintiff safety,
28

1 512. plaintiff alleges that defendant officer doe 37 exposed plaintiff to the
2 following forms of substantial risk of serious harm, (1) classification, plaintiff
3 was not classified properly and was a medical inmate recovering from surgery's
4 and was placed among various other classes of inmates whom posed significant risks
5 (2) plaintiff was vulnerable, plaintiff was weaker and a potential target for
6 abuse by other inmates, therefore placed at risk, (3) high rate of violence, the
7 jail was at a constant high rate of inmate-on-inmate violence which was a obvious
8 and pervasive risk with long standing history at the jail, (4) overcrowding,
9 due to AB109 the jail was at a constant high volume of inmates who would normally
10 be in prisons, causing excessive risk, (5) the jail was understaffed and officers
11 often had to cover double the areas or double the duties of normal officers
12 (6) Insufficient inspections, officers failed to conduct frequent enough inspections
13 of inmate living areas, causing risks, (7) state of nature, guards lack of super-
14 vision often allowed inmates to exercise too much control over other inmates and
15 over communications to and from the control booth, (8) attackers were unusually
16 dangerous, plaintiff was exposed as being a jewish man of white ethnicity and
17 plaintiff was targeted by anti-semetic white supremacist gang members who were
18 living in the dorm, but had not made their intentions or beliefs known to all,
19 (9) officials own conduct encouraged attack, plaintiff observed several points
20 throughout the day where officials would carelessly allow other inmates to obtain
21 materials to use to create home brewed alcohol, which are normally strictly
22 not allowed, and often officers would conduct searches for those particular
23 items, and other contraband, which officials failed to perform such searches,

24 513. defendant officer doe 37 failed to respond reasonably to the substantial
25 risks of serious harm stated above, and failed to abate said risk in many aspects
26 which would of prevented those same risks from presenting a dangerous circumstance
27 from occurring, and prevented unnecessary events from occurring to lead to plaint
28 iffs injury on or about 12/31/13

1 514. defendant officer doe 37 knew that plaintiff was classified as medical and
2 knew that plaintiff was vulnerable and weaker than many other inmates, defendant
3 officer doe 37 knew that there was a high rate of violence between inmates at
4 the jail, and knew that the jail was constantly over crowded, and knew that the
5 jail was understaffed and that officers did not perform sufficient inspections,
6 defendant officer doe 37 knew that inmates often exercised too much control over
7 other inmates and too much control over communications to and from the officers
8 defendant officer doe 37 also knew that there were dangerous inmates living in
9 the dorm with plaintiff, and knew that there were more than permitted materials
10 being used in the dorm to create alcohol and other contraband,

11 515. as the proximate and direct result of defendant officer doe 37's actions
12 or omissions plaintiff was targeted by anti-semitic white supremacist gang mem-
13 bers known as skin heads who collectively hid their intentions to mistreat and
14 harm plaintiff, then plaintiff was attacked by several intoxicated inmates on
15 or about 12/31/13 when plaintiff was resting on a bed because he was sick with
16 a cold, and therefore was weak and helpless to defend against attack from others
17 plaintiff sustained several serious injuries to his eyes , face, nose and then
18 plaintiff was forced to stay inside the shower room laying in blood and in need
19 of medical attention, however, defendant officer doe 37 was oblivious that any
20 one was injured or that any melle had occurred in the dorm, defendant officer
21 doe 37 was careless and ignorant to his duty to monitor the dorm for safety,
22 plaintiff suffered injury, pain, and distress in his mind and body,

23 516. defendant officer doe 37 acted knowingly, willfully, and maliciously, and
24 with reckless and callous disregard for plaintiffs federally protected rights.

25 517. as a result of defendant officer doe 37's actions or omissions plaintiff
26 has suffered and will continue to suffer extreme hardship and actual and impending
27 irreparable injury, pain, and emotional distress in that plaintiff required
28 surgery to his left eye socket, face, right eye due to this injury, plaintiff

1 has lost visual acuity and has reoccurring and continuing issues related to this
2 injury, and other health issues and complications stemming from this injury and
3 the folloing surgerys,

4 THIRTY-SECOND CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

5 518. plaintiff incorporates paragraphs 219 through 236

6 519. on or about 12/31/13 plaintiff was in custody at Los Angeles County Jail
7 and was an inmate, plaintiff was therefore, placed among the class of persons
8 to whom defendants officer doe 37, lee baca, terri mcdonald owed a duty as part
9 of a special relationship,

10 520. defendants named SUPRA had a duty to use such skill, prudence, and diligence
11 as other members of his or her profession commonly possess and exercise,

12 521. defendants named SUPRA negligently failed to observe dorm 5800 for inmate
13 activity and safety and plaintiff was beaten severely while defendant officer
14 doe 37 was oblivious to the serious medical needs and safety of plaintiff, def-
15 endants named SUPRA also negligently allowed inmates to obtain and use materials
16 and ingredients to produce alcohol, dangerous inmates then became intoxicated
17 and defendants named SUPRA failed to use their training and measures or tactics
18 already present at the jail and in possession of defendants to abate risks
19 and remove contraband and intoxicated persons from the dorm before plaintiff
20 was injured on or about 12/31/13, plaintiff suffered multiple serious injuries
21 that could have easily been avioded if defendants named SUPRA had used care and
22 acted where necessary to deter any substantial risk of serious injury, defenda-
23 nts named SUPRA also failed to summon medical care within a reasonable amount
24 of time, and plaintiff suffered injury, pain, and distress,

25 522. as a direct and proximate result of the negligence of defendants named SUPRA
26 plaintiff was severely beaten and punched or kicked in the face and eyes and head
27 multiple times until plaintiff lost consiousness, plaintiff awoke in a pool of
28 blood, eyes swollen and in severe pain and was hurt and injured in his health

1 dtrength, and activity, sustaining injury to his nervous system and person, all
 2 of which injuries have caused, and continue to cause, plaintiff great mental
 3 physical, emotional, and nervous pain and suffering,

4 523. defendants named SUPRA acted negligently, willfully, and maliciously, and
 5 with a reckless and callous disregard for plaintiffs federally protected rights

6 524. as a result of defendants named SUPRA actions or omissions, plaintiff has
 7 suffered and will continue to suffer extreme hardship and actual and impending
 8 irreparable injury, pain, and emotional distress in that plaintiff required
 9 surgery to his eye socket/ face/ and right eye due to this injury, plaintiff
 10 has lost visual acuety and has reoccurring and continuing issues related to this
 11 injury, and other health issues and complications stemming from this injury and
 12 the following surgeries,

13 THIRTY-THIRD CAUSE OF ACTION FOR DENYING, INTERFERING, DELAYING MEDICAL TREATMENT

14 525. plaintiff incorporates paragraphs 258 through 271

15 526. on or about 04/25/14 plaintiff was in custody at Los Angeles County Jail
 16 or Los Angeles County Medical Center, and had a serious medical need because
 17 plaintiff had complications from a prior in custody surgery and plaintiffs left
 18 eye was sunken in, and plaintiffs lower left eye lid had become inverted so as
 19 to create irritation, pain, discomfort, and possibly lead to other future serious
 20 medical problems, plaintiff was therefore placed among the class of persons to
 21 whom defendant officer shah owed a duty as part of a special relationship,

22 527. defendant officer shah was assigned to escort plaintiff in a wheel chair
 23 from the jail ward located in the lower level of LCMC aka LAC+USC medical center
 24 to the eye clinic located on the 4th floor of the same building, plaintiff was
 25 placed in a waist chain and handcuffed, then officer shah began to escort plain
 26 tiff to the eye clinic for an appointment with the ocular plastics specialist,

27 528. upon arrival to the eye clinic through the rear entrance, plaintiff was
 28 wheeled into a waiting area with several people from the public, then

1 defendant officer shah allowed plaintiff to be photographed by a third party,
2 plaintiff did not want to be photographed and objected to being photographed and
3 defendant officer shah did nothing to prevent the third party from photographing
4 plaintiff,

5 529. plaintiff became irritated by this unwelcome and unwanted photographing
6 and made a derogatory comment to the third party person,

7 560. defendant officer shah then asked his partner , another LASD officer to
8 cover for him and watch plaintiff,

9 561. defendant officer shah then went to the nurses station and canceled the
10 plaintiffs appointment with the ocular plastics doctors, although plaintiff
11 had not been seen or received treatment from any medical care providers,

12 562. upon belief and information defendant officer shah intentionally canceled
13 plaintiffs appointment to punish plaintiff because defendant officer shah had
14 a resentment toward plaintiff from a previous incident that took place at the
15 eye clinic, for which plaintiff was never punished,

16 563. defendant officer shah had knowledge that plaintiff had a serious medical
17 need, because defendant officer shah's assignment was to escort plaintiff to
18 the eye clinic and allow plaintiff to meet with the ocular plastics doctors,
19 therefore, defendant officer shah was deliberately indifferent to plaintiff's
20 serious medical needs,

21 564. defendant officer shah's actions or omissions violated plaintiffs right to
22 be free of cruel and unusual punishment guaranteed by the 8th and 14th amendments
23 to the constitution,

24 565. as a direct and proximate result of defendant officer shah's actions or
25 omissions, described in this complaint, plaintiff was not seen by the ocular
26 plastics specialists at LAG-USC medical center and plaintiffs left eye and left
27 eye lid remained untreated until plaintiff went to prison much later on or about
28 02/20/15, plaintiff was forced to suffer pain and discomfort to his left eye,

1 plaintiffs complication from prior surgery went untreated for an extended amount of
 2 time and plaintiff suffered as a result of the actions or omissions of defendant
 3 officer shah, plaintiff suffered pain, discomfort, and emotional distress in that
 4 plaintiffs left eye lid was inverted causing plaintiffs left eye to become irritated
 5 and red for continious periods of time, plaintiffs condition never changed and
 6 plaintiff was in constant pain, discomfort, and distress as a result of defendant
 7 officer shah denying, interfering, and delaying plaintiffs medical care or treatment
 8 566. defendant officer shah acted knowingly, willfully, and maliciously, and with a
 9 reckless and callous disregard for plaintiffs federally protected rights,
 10 567. as a result of defendant officer shah's actions or omissions plaintiff was
 11 forced to live without treatment, plaintiff therefore suffered and will continue to
 12 suffer extreme hardship and actual and impending irreparable injury, pain, and emoti-
 13 onal distress in that plaintiff is still trying to seek treatment and plaintiff has
 14 been in a constant state of pain, discomfort, and distress while he has attemped to
 15 seek treatment, which has not been easy, plaintiff has had to argue, and appeal
 16 several delays, and denials of proper treatment and has been forced to overcome
 17 several administative and procedural challenges that continue to pose plaintiff
 18 significant hardships and headache, including but not limited to, reading, writing,
 19 participation in educational programs, and daily activities that have been a constant
 20 source of frustration , pain, irritation, discomfort, and so fourth,

21 THIRTY-FOURTH CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

22 568. plaintiff incorporates paragraphs 258 through 271

23 569. on or about 04/25/14 plaintiff was in custody at Los Angeles County Jail and or
 24 Los Angeles County Medical Center and was an inmate, plaintiff was therefore, placed
 25 among the class of persons to whom defendants officer shah, lee baca, terri mcdonald
 26 owed a duty as part of a special relationship,

27 570. defendants named SUPRA had a duty to use such skill, prudence, and diligence as
 28 other members of his or her profession commonly possess and exercise,

1 571. defendants named SUPRA negligently denied plaintiff access to medical care
2 or interfered with medical treatment after it was ordered or caused a delay in
3 getting medical treatment to plaintiff because defendant officer shah canceled
4 plaintiffs appointment with the ocular plastics specialists who were scheduled
5 to consult with plaintiff and develop a treatment plan for plaintiffs left eye
6 and plaintiffs lower left eye lid which both had complications from prior surgery
7 and both which caused plaintiff substantial pain, discomfort, and irritations,
8 and which also caused plaintiff to experience substantial difficulty while per-
9 forming activities such as reading, writing, and other activities that require
10 substantial use of his eye's, plaintiff's eyes get tired very quickly and he
11 also suffers from double vision quite often,

12 572. as a direct and proximate result of the negligence of defendants named SUPRA
13 plaintiff was not treated for his condition prior to being transferred to prison
14 and plaintiff was denied treatment in prison and plaintiffs treatment was dragged
15 out and was unnecessarily extended in that plaintiff had to wait approximately
16 one year before plaintiff began to receive proper treatment for his conditions
17 on or about 02/20/15, plaintiff began to meet with a ocular plastics doctor
18 at loma linda university medical center, plaintiff therefore, had to suffer with
19 discomfort and pain and irritation and other side affects from his complications
20 and was hurt and injured in his health, strength, and activity, sustaining inj
21 ury to his nervous system and person, all of which injuries have caused, and
22 continue to cause plaintiff great mental , physical, and emotional and nervous
23 pain and suffering,

24 573. defendants named SUPRA acted knowingly, willfully, and maliciously, and
25 with a reckless and callous disregard for plaintiffs federally protected rights

26 574. as a result of defendants named SUPRA actions or omissions plaintiff was
27 forced to live without treatment, plaintiff therefore, suffered and will continue
28 to suffer extreme hardship and actual and impending irreparable injury, pain,

1 and emotional distress in that plaintiff is still trying to seek treatment and
2 plaintiff has been in constant state of pain, discomfort, and distress while he
3 has attempted to seek treatment, which has not been easy, plaintiff has had to
4 argue, and appeal several delays, and denials of proper treatment and has been
5 forced to overcome several administrative and procedural challenges that continue
6 to pose plaintiff significant hardships and headache, including but not limited
7 to, reading, writing, participation in educational programs, and daily activities
8 that have been a constant source of frustration, pain, irritation, discomfort,
9 and so fourth,

10 THIRTY-FIFTH CAUSE OF ACTION FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

11 575. plaintiff incorporates paragraphs 258 through 271

12 576. on or about 04/25/14 plaintiff was an inmate at Los Angeles County Jail or
13 Los Angeles County Medical Center and was in the care of defendant officer shah

14 577. on or about 04/25/14 at the eye clinic located in LAC+USC medical center
15 plaintiff was being escorted to his appointment with the ocular plastics speci
16 alists and was scheduled to consult with doctors to begin a treatment plan for
17 plaintiff and plaintiffs left eye and lower left eye lid, both of which had
18 complications from prior surgery,

19 578. defendant officer shah took it upon himself to cancel plaintiffs appointme
20 ent in order to punish plaintiff because defendant officer shah had a resentment
21 towards plaintiff from a prior unrelated incident where plaintiff was accused
22 of stealing a pen that defendant officer shah had found on the floor, plaintiff
23 never had the pen, however, defendant officer shah accused plaintiff of having
24 the pen and canceled plaintiffs appointment on that date also, plaintiff then
25 exchanged words with defendant officer shah and defendant officer shah offered
26 to uncuff plaintiff so that plaintiff and defendant officer shah could fight
27 however, defendant officer shah did not actually remove plaintiffs handcuffs
28 and therefore, had intent to punish plaintiff again while at the eye clinic,

1 579. defendant officer shahs conduct was intentional and malicious and done for
2 the purpose of causing plaintiff to suffer mental anguish, and emotional and
3 physical pain and distress, defendant officer shah's conduct was done with a
4 wanton and reckless disregard of the consequences to plaintiff,

5 580. as the proximate result of the acts alleged above, plaintiff suffered and
6 felt , degradation, indignation, frustration, helplessness, anguish, pain and
7 suffering, and mental anguish, and emotional distress and physical distress in
8 that plaintiff felt lower in dignity, strong displeasure, dissatisfied and thwarted
9 plaintiff felt incapacitated, acute suffering or pain, and was injured in mind
10 and in body,

11 581. the acts of defendant officer shah alleged above were willful, wanton,
12 malicious and oppressive and justify the awarding of exemplary and punitive
13 damages,

14 THIRTY-SIXTH CAUSE OF ACTION FOR INADEQUATE MEDICAL CARE

15 582. plaintiff incorporates paragraphs 273 through 276

16 583. on or about 04/29/14 plaintiff was in custody at Los Angeles County Jail
17 and had a serious medical need because plaintiff had complications from prior
18 surgery to his left eye, and left eye lid in which plaintiff's left eye had sunken
19 into the socket and plaintiff's lower left eye lid had become inverted and was
20 causing irritation and pain and discomfort to plaintiff's left eye and could of
21 caused future serious medical problems, plaintiff was therefore, placed among
22 the class of persons to whom defendant nurse practitioner malone owed a duty as
23 part of a special relationship,

24 584. defendant nurse practitioner malone failed to provide plaintiff with adequate
25 care for his serious medical needs, and on or about 04/29/14 defendant nurse
26 practitioner malone discharged plaintiff from the correctional treatment center
27 area known as 3 west, where plaintiff was under the care of nursing staff and
28 physicians daily 24 hours a day, and was being provided good food and medication

1 585. plaintiff was discharged and placed directly into a mental health housing
2 area, plaintiff was placed into a cell and was not allowed to take any extra
3 items such as clothing or food, plaintiff was not provided with any linens to
4 keep warm and to put on top of the dingy mat on the bed, plaintiffs cell was
5 very dirty with dirt on the walls, floor, and mat, plaintiff could smell
6 urine and saw residue from feces marked on the walls and door,

7 586. defendant nurse practitioner malone had knowledge of plaintiffs serious
8 medical need because defendant nurse practitioner malone was assigned to care
9 for plaintiff and his medical needs on a daily basis and plaintiff had made
10 defendant nurse practitioner malone aware of his left eye conditions verbally
11 and defendant nurse practitioner malone had examined plaintiff in his cell,

12 587. defendant nurse practitioner malone also knew that plaintiffs eye had not
13 been treated and that his condition could lead to further serious medical prob
14 lems such as infection, or other complications, yet defendant nurse practitioner
15 malone chose to discharge plaintiff untreated, and into an area that was not fit
16 to accomodate the needs of plaintiff, regarding plaintiffs medical needs,

17 588. defendant nurse practitioner malone's actions or omissions violated plaint
18 iffs right to be free of cruel and unusual punishment, guaranteed by the 8th
19 and 14th amendments to the constitution,

20 589. as a direct and proximate result of defendant nurse practitioner malone's
21 actions or omissions described in this complaint, plaintiff was discharged from
22 the correctional treatment center with medical issues unresolved and untreated
23 and plaintiff was placed into a cell that was not fit to meet the needs of a
24 medical patient, who was at risk of infection and whos treatment plan would be
25 compromised by moving him out of the correctional treatment center, defendant
26 nurse practitioner malone's actions or omissions also caused plaintiff's left
27 eye and left eye lid condition to go untreated, plaintiff was not returned to
28 Los Angeles County Medical center and plaintiffs condition went unresolved,

1 and plaintiff suffered unnecessary extended pain, suffering, and distress, in
2 that plaintiffs complications from prior surgery to his left eye and left eye lid
3 went untreated and plaintiff was transferred to state prison , where plaintiff
4 was denied treatment and then plaintiff had to fight for proper and adequate
5 treatment for his complications from prior surgery, plaintiffs treatment was
6 dragged out and unnecessarily extended and plaintiff had to suffer for approxima
7 tely a year to begin receiving treatment for his left eye and left eye lid,
8 as a result of defendant nurse practitioner malone's provision of inadequate
9 medical care,

10 590. defendant nurse practitioner malone acted knowingly, willfully, and malicio
11 ously, and with reckless and callous disregard for plaintiffs federally protected
12 rights,

13 591. as a result of defendant nurse practitioner malone's actions or omissions
14 plaintiff has suffered and will continue to suffer extreme hardship and actual
15 and impending irreparable injury, pain, and emotional distress in that plaintiff
16 had to go untreated with medical needs unresolved and suffer needless pain, and
17 discomfort, and distress while seeking treatment from california department of
18 corrections and rehabilitation and because plaintiff had to wage an on-going
19 battle with doctors and administrators for treatment and all while living with
20 a disability which substantially limits plaintiffs abilitys to read and write,

21 THIRTY SEVENTH CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

22 592. plaintiff incorporates paragraphs 273 through 276

23 593. on or about 04/29/14 plaintiff was in custody at Los Angeles County Jail and
24 was an inmate, plaintiff was therefore, placed among the class of persons to whom
25 defendants nurse paractitioner malone, lee baca, david fender, kelley fraser, ray
26 leyva, ralph ornelas, karen dalton, kevin kuykendall owed a duty as part of a
27 special relationship,

1 594. defendants named SUPRA had a duty to use such skill, prudence, and dilige-
2 nce as other members of his or her profession commonly possess and exercise,

3 595. defendants named SUPRA negligently discharged plaintiff from the correc-
4 tional treatment center living area while plaintiff's medical needs were
5 unresolved and plaintiff was still at risk of future serious medical issues
6 when defendants named SUPRA discharged him and he was moved to a mental health
7 cell in another housing area, where the living conditions did not meet the
8 needs of plaintiff and plaintiff ended up getting an infection, moreover,
9 defendants named SUPRA negligently failed to provide plaintiff with medical
10 care for a known serious medical need, plaintiff had complications from a prior
11 surgery to his left eye and left eye lid, which caused his left eye to become
12 irritated and caused pain and discomfort, defendants named SUPRA caused plaintiff
13 to not receive proper or adequate care for his condition prior to his
14 discharge from the correctional treatment center and prior to plaintiff's
15 in custody transfer to state prison, therefore plaintiff needlessly suffered
16 unnecessary pain, discomfort, irritation, to his left eye, and caused distress

17 596. as a direct and proximate result of the negligence of defendants named
18 SUPRA plaintiff's serious medical needs went untreated and unresolved and
19 plaintiff was transferred to state prison where plaintiff would be denied
20 treatment and then treatment would be unnecessarily be dragged out for about
21 one year, meanwhile plaintiff suffered pain, discomfort, irritation, and
22 distress, all while living with a disability which substantially limits
23 plaintiff's ability to read or write and perform other tasks that involve
24 eye use and extended eye use,

25 597. defendants named SUPRA acted negligently, willfully, and maliciously
26 and with reckless and callous disregard for plaintiff's federally protected
27 rights,
28

1 598. as a result of defendants named SUPRA actions or omissions plaintiff has
2 suffered and will continue to suffer extreme hardship and actual and impending
3 irreparable injury, pain, and emotional distress in that plaintiff had to
4 go untreated with medical needs unresolved and suffer needless pain, and
5 discomfort, and distress while seeking treatment from california department
6 of corrections and rehabilitation and because plaintiff had to wage ongoing
7 battle with doctors and administrators for treatment and all while living with
8 a disability which substantially limits plaintiffs abiltys to read and write;

9 THIRTY-EIGHTH CAUSE OF ACTION FOR INADEQUATE MEDICAL CARE

10 599. plaintiff incorporates paragraphs 274 through 283

11 600. on or about 05/02/14 through 05/07/14 plaintiff was in custody at Los
12 Angeles County Jail and had a serious medical need because plaintiff had
13 complications from prior surgery to his left eye, and left eye lid in which
14 plaintiffs left eye had sunken in and his left eye lid had inverted and was
15 causing irritation and pain and discomfort to plaintiffs left eye and could
16 of caused future serious medical problems, plaintiff was therefore, placed amo
17 ng the class of persons to whom defendant docotr doe 52 owed a duty as part
18 of a special relationship,

19 601. defendant docotor doe 52 failed to provide plaintiff with adequate care
20 for his serious medical needs, and plaintiff had developed an infoection from
21 the unclean cell in which he was required to live in, then plaintiff held
22 several conversations with nurses who would come to his cell to administer
23 his medications, plaintiff requested that someone check on his appointment with
24 the ocular plastics doctors at LCMC aka LAC+USC medical center, plaintiff
25 was told that his request would be passed on to his primary care provider
26 defendant doctor doe 52, but plaintiff was not informed about his upcoming
27 treatment, plaintiff explained to his nurses that he required another surgery
28 to correct his left eye, and left eye lid, but nobody would listen to plaintiff

1 602. defendant doctor doe 52 had knowledge of plaintiffs serious medical need
2 because defendant doctor doe 52 was plaintiffs primary care provider and was
3 assigned to administer medication to plaintiff therefore, defendant docotor doe
4 52 had to review plaintiffs medical file and medical history, and then review
5 the future or upcoming events schedueled for plaintiff, therefore, defendant
6 docotor doe 52 was deliberately indifferent to plaintiffs serious medical needs
7 603. defendant docotor doe 52's actions or omissions violated plaintiffs right
8 to be free of cruel and unusual punishment, guaranteed by the 8th and 14th
9 amendments to the constitution,
10 604. as a direct and proximate result of defendant docotr doe 52's actions
11 or omissions, described in this complaint, plaintiff was in custody transferred
12 to state prison without medical care being provided to plaintiff for his
13 serious medical needs, specifically his left eye and left eye lid, and
14 plaintiff suffered pain, discomfort, and emotional distress in that plaintiff
15 was forced to live with his medical condition unresolved, and plaintiff had
16 to try and seek treatment in state prison which was tedious because plaintiff
17 was denied treatment; then plaintiff had to agrue and appeal with his doctors
18 and adminitrators about the treatment he needed, finally after approximately
19 one year plaintiff began to receive treatment for his serious medical needs,
20 and suffered extended and unnecessary pain, discomfort, irritation, and distres
21 as a result of defendant doctor doe 52's provision of inadequate medical care,
22 605. defendant docotor doe 52 acted knowingly, willfully, and maliciously and
23 with reckless and callous disregard for plaintiffs federally protected rights
24 606. as a result of defendant doctor doe 52's actions or omissions, plaintiff
25 has suffered and continue to suffer extreme hardship and actual and impending
26 irreparable injury, pain, and emotional distress in that plaintiff suffered
27 extended headache, aggrivation and frustration from trying to resolve his
28 serious medical needs all while living in pain and discomfort and irritation,

1 THIRTY-NINETH CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

2 607. plaintiff incorporates paragraphs 274 through 283

3 608. on or about 05/02/14 through 05/07/14 plaintiff was in custody at Los
4 Angeles County Jail and was an inmate, plaintiff was therefore, placed among
5 the class of persons to whom defendants doctor doe 52, lee baca, david fender,
6 kelley fraser, ray leyva, ralph ornelas, karen dalton, kevin kuykendall owed
7 a duty as part of a special relationship,

8 609. defendants named SUPRA had a duty to use such skill , prudence, and
9 diligence as other members of his or her profession commonly possess and
10 exercise,

11 610. defendants named SUPRA negligently failed to provide medical care to
12 plaintiff for his serious medical needs, specifically his left eye and left
13 eye lid which both had suffered complications from prior surgery and therefore
14 caused plaintiff to be in pain, discomfort, irritation, and distress,
15 plaintiff needed to meet with a ocular plastics specialist and plaintiff
16 never got to meet with any specialist to resolve or treat his complications,
17 defendants named SUPRA negligently failed to make sure plaintiff received
18 his medical care prior to plaintiff being transferred to state prison on or
19 about 05/08/14, moreover, defendants named SUPRA negligently reviewed plain
20 tiffs medical file and had an opportunity to make the necessary adjustments
21 and allow plaintiff to receive medical care properly and promptly, defendants
22 named SUPRA failed to take the steps necessary to provide plaintiff treatment
23 for his serious medical needs prior to plaintiffs in custody transfer to
24 state prison, so as to cause the injuries and damages described below,

25 611. as a direct and proximate result of the negligence of defendants named
26 SUPRA, plaintiff was not provided with the medical care or treatment he needed
27 to begin a treatment plan for his left eye and left eye lid, which was in a
28 state of constant irritation, pain and discomfort, and caused distress,

1 612. plaintiff was hurt and injured in his health, strength, and activity,
2 sustaining injury to his nervous system and person, all of which injuries have
3 caused and continue to cause plaintiff great mental, physical, emotional, and
4 nervous pain and suffering,

5 613. defendants named SUPRA acted negligently, willfully, and maliciously
6 and with reckless and callous disregard for plaintiffs federally protected
7 rights,

8 614. as a result of defendants named SUPRA actions or omissions, plaintiff
9 has suffered and continues to suffer extreme hardship and actual and impending
10 irreparable injury, pain, and emotional distress in that plaintiff suffered
11 extended headache, aggravation and frustration from trying to resolve his
12 serious medical needs all while living in pain and discomfort and irritation,

13 FOURTIETH CAUSE OF ACTION FOR DENIAL OF DUE PROCESS

14 615. plaintiff incorporates paragraphs 39 through 84

15 616. on or about 02/12/13 through 02/21/13 plaintiff was deprived of liberty
16 without due process of law

17 617. defendants Los Angeles County, Lee Baca, Paul Tanka, Terri McDonald,
18 officers doe 2 through doe 7, and officer ortiz are responsible of liable for
19 establishing or maintaining a policy or custom, or committing actions that
20 violate plaintiffs right to due process under the due process clause of
21 the 14th amendment,

22 618. on or about 02/12/13 plaintiff was placed in a disciplinary cell in
23 the disciplinary area also known as 900 max located at NCCF,

24 619. plaintiff did not receive notice of charges, plaintiff was not allowed
25 to be heard on matters surrounding the circumstances that placed plaintiff
26 into a state of disciplinary action, plaintiff did not receive a hearing and
27 plaintiff was placed into a disciplinary cell on or about 02/12/13

28

1 620. plaintiff claims that his liberty was interfered with by the defendants
2 named SUPRA ,

3 621. plaintiff claims that he was innocent of any wrong and therefore,
4 had he been given due process of law would not have been placed into a
5 disciplinary cell,

6 623. plaintiff argues that the procedures attendant upon his deprivation of
7 liberty are not constitutionally sufficient and do not meet the requirement
8 of the due process clause of the 14th amendment,

9 624. plaintiff claims that defendants named SUPRA and the official policys
10 or customs in which they uphold and carry out are negligent in structure
11 and purpose, and do not sufficiently constitute due process,

12 625. plaintiff also claims that defendants officer ortiz and officer doe 2
13 through doe 7 acted with the intent to deprive plaintiffs liberty intentionally

14 626. plaintiff claims that defendants named in paragraph 617. took plaintiffs
15 liberty away arbitrarily and without good cause, or without procedure,

16 627. plaintiff has the right to process that is due and the right to notice,
17 and an opportunity to be heard at a meaningful time and in a meaningful manner,

18 628. plaintiffs deprivation was very serious because not only was plaintiff
19 deprived of his liberty, but plaintiff was subjected to substantial risk of
20 serious harm, because plaintiff was placed into a cell with a known violent
21 inmate, then plaintiff was attacked by the inmate in his cell and plaintiff
22 was seriously injured in his eye's and face, causing injury, pain, and distress

23 629. plaintiff claims that additional procedures are required to deprive
24 inmates of liberty, it is too easy for officials to manipulate the factors
25 that surround inmates being deprived of liberty, and why they are deprived,
26 this is relevant in plaintiffs circumstances because although plaintiff lacks
27 direct evidence to support his claim, plaintiff maintains that he was innocent
28 and that the entire situation was a concoction of defendant officer ortiz's

1 630. plaintiff claims that additional procedures would be a great help to
2 the interests of justice, because there are no administration officials
3 involved or members of the court to supervise or make sure that justice
4 is handed down and conducted in a lawful yet constitutional manner, and
5 the fact that officials are both sworn to uphold the law yet also practice
6 in acts that are below the treshhold of procedural conduct and also practice
7 in "the code of silence" type of events, plaintiff claims that new and
8 proper procedures are in order for Los Angeles County Jail and inmates,

9 631. plaintiff also claims that officials who must carry out such procedures
10 would not be unduly burdened by proper procedures that reflect due process
11 because , thousands of penal institutions across the united states have
12 complied with the due process requirement and so should Los Angeles County
13 Jail and its officers and final policy makers,

14 632. plaintiff also claims that the california constitution also creates
15 a statutorily created liberty interest towards plaintiffs due process rights

16 633. plaintiff claims that the due process clause also forbids punishment
17 on pre trial detainees before they have been found guilty of crimes, this
18 is also true in plaintiffs circumstances because plaintiff was not convicted

19 634. plaintiff maintians that defendants named in paragraph 617 are in
20 violation of plaintiffs procedural due process rights under the due process
21 clause of the 14th amendment,

22 FORTY-FIRST CAUSE OF ACTION FOR DELIBERATE INDIFFERENT POLICYS OR CUSTOM

23 635. on or about 02/01/13 through 03/02/13 and on or about 03/10/13 through
24 04/02/13 and on or about 05/13/13 through 05/08/14 plaintiff was in custody
25 at Los Angeles County Jail and was an inmate, plaintiff was therefore, sub-
26 jected to the policys, customs, and practices or policy statement, ordinance,
27 regulations or decisions officialy adopted and promulgated by Los Angeles
28 County et.al. , Los Angeles County Sheriffs Department, Lee Baca, Paul Tanaka,

1 and terri mcdonald,

2 636. or subjected to actions which had not received formal approval through
3 the bodys of Los Angeles County et.al. , Los Angeles County Sheriffs Department
4 official decision making channels,

5 and actions that were persistent, wide spread or permanent and well settled
6 practices, or edicts and acts of subordinate officials whos conduct could
7 fairly be said to represent official policy, or municipal inaction,

8 637. on or about 02/12/13 through 02/14/13 , and 06/15/13 , and 12/25/13

9 through 12/31/13 plaintiff was subjected to policy or custom or municipal

10 inaction that allowed inmates to exercise too much control over other inmates

11 and exercise too much control over the communications processes between inmates

12 and jail officials, causing a state of nature where inmates were mistreated

13 and subjected to abuses and often submitted to violence at the hands of other

14 inmates, therefore causing substantial risk of serious harm to plaintiff and

15 violating plaintiffs right to be free from cruel and unusual punishment,

16 638. on or about 02/02/13 through 03/02/13 and 05/13/13 through 05/08/14,

17 plaintiff was subjected to policy custom or municipal inaction which allowed

18 inmates to live in dorms and inmate living areas that were over crowded or

19 at max capacity or above max capacity, therefore causing excessive substantial

20 risk of serious harm to plaintiff and violating plaintiffs right to be free

21 of cruel and unusual punishment,

22 639. on or about 12/15/13 through 12/31/13 plaintiff was subjected to policy,

23 custom, or municipal inaction which allowed inmates to live in dorms and inmate

24 living areas that contain hidden areas or blind spots which caused excessive

25 substantial risk of serious harm to plaintiff, and violated plaintiffs right

26 to be free of cruel and unusual punishment,

27

28

1 640. on or about 02/14/13 and 06/15/13 and 12/31/13, plaintiff was subjected
2 to policy , custom or municipal inaction which prevented officials use of
3 and implementation of surveillance equipment to monitor inmate living areas
4 for safety and inmate activity, therefore causing substantial risk of serious
5 harm to plaintiff, and violating plaintiffs right to be free of cruel and
6 unusual punishment,

7 641. on or about 12/25/13 through 12/31/13 plaintiff was subjected to policy
8 custom or municipal inaction which allowed contraband and contraband materials
9 to enter and be present inside inmate living areas, and to be used for the
10 purposes of creating home made wine aka pruno or alcohol, therefore causing
11 substantial risks of serious harm to plaintiff, and violating plaintiffs right
12 to be free of cruel and unusual punishment,

13 642. on or about 02/12/13 through 02/28/13 plaintiff was subjected to policy
14 custom of municipal inaction which allowed officials to place plaintiff into
15 punitive or segregation units or cells without due process of law, therefore
16 causing plaintiff to be exposed to substantial risks of serious harm, and to
17 unjustly or wrongly place plaintiff into unjustified and unnecessary disciplina
18 action, and also violating plaintiffs rights to due process under the due proce
19 clause, and plaintiffs right to be free of cruel and unusual punishment,

20 643. on or about 12/15/13 t6hrough 12/31/13 plaintiff was subjected to policy
21 custom, or municipal inaction because plaintiff was placed into a living area
22 with anti semetic gang members who were dangerous and later targeted plaintiff
23 due to a failure to establish and carry out adequate classification policy
24 prior to placement of inmates into living areas, specifically validating
25 gang members and segregation of gang rivals or potential target groups,
26 therefore causing substantial risk of serious harm to plaintiff and violating
27 plaintiffs right to be free of cruel and unusual punishment,

28

1 644. on or about 02/02/13 through 03/02/13 and 03/10/13 through 04/02/13 and
2 05/13/13 through 05/08/14, plaintiff was subjected to policy custom or municipa
3 inaction because Los Angeles County Jail was often not staffed with sufficient
4 custody officials to properly monitor inmate safety and maintain order,
5 therefore, causing substantial risk of serious harm to plaintiff and violating
6 plaintiffs right to be free of cruel and unusual punishment,

7 645. on or about 02/14/13 and 06/15/13 and 12/31/13, plaintiff was subjected
8 to policy custom or municipal inaction because Los Angeles County Jail official
9 failed to conduct sufficient safety checks or in person inspections of inmate
10 living areas, creating substantial risks of serious harm to plaintiff and
11 violating plaintiffs right to be free of cruel and unusual punishment,

12 646. on or about 02/14/13 and 06/15/13 and 12/31/13, plaintiff was subjected
13 to policy custom or municipal inaction because Los Angeles County Jail official
14 failed to use and implement resources and tactics already in place to prevent
15 contraband, therefore causing substantial risk of serious harm to plaintiff
16 and violating plaintiffs right to be free of cruel and unusual punishment,

17 647. on or about 02/14/13 and 06/15/13 and 12/31/13, plaintiff was subjected
18 to policy custom or municipal inaction because Los Angeles County Jail official
19 failed to use and implement training, resources, and tactics in place to
20 prevent violence between inmates, therefore causing substantial risk of serious
21 harm to plaintiff, and violating plaintiffs right to be free of cruel and
22 unusual punishment,

23 648. on or about 03/02/13 and 04/02/13 plaintiff was subjected to policy custom
24 or municipal inaction because Los Angeles County Jail Custody Officials failed
25 to offer or make known sufficient information about post release assistance
26 for indigent inmates such as plaintiff, causing plaintiff unnecessary hardship
27 and extreme distress and frustration, and violating plaintiffs right to be
28 free of cruel and unusual punishment,

649. the policys or customs or municipal inactions of defendants Los Angeles County et.al. , Los Angeles County Sheriffs Department, Lee Baca, Paul Tanaka, and Terri McDonald, described in this complaint amounted to deliberate indifference to the rights of inmates such as plaintiff who are help in Los Angeles County Jail under due process of law,

650. as a direct and proximate result of the customs or practices, and policys of defendants , Los Angeles County et.al. , Los Angeles County Sheriffs Department, Lee Baca, Paul Tanaka, and Terri McDonald, described in this complaint plaintiffs rights were violated and plaintiff was exposed to several unnecessary substantial risks of serious harm, and plaintiff was injured on or about 02/14/13 and 06/15/13 and 12/31/13 in that plaintiff suffered injury , loss, and damages including several surgerys and loss of liberty and emotional distress and pain and suffering,

FOURTY-SECOND CAUSE OF ACTION FOR DELIBERATELY INDIFFERENT POLICYS OR CUSTOMS

651. on or about 02/01/13 through 03/02/13 and on or about 03/10/13 through 04/02/13 and on or about 05/13/13 through 05/08/14 plaintiff was in custody at Los Angeles County Jail and regularly interacted with medical personel who are employed by and under the authority of Los Angeles County Medical Services Bureau and plaintiff was therefore subjected to the policys, customs, and practices or policy statement, ordinance, regulations, or decisions officialy adopted and promulgated by Los Angeles County et al. , Los Angeles County Sheriffs Department, Los Angeles County Medical Services Bureau, Lee Baca, terri mcdonald, david fender, kelley fraser, ray leyva, ralph ornelas , karen dalton, kevin kuykendall, paul tanaka,

652. or subjected to action which had not received formal approval through the bodys of Los Angeles County et.al. , Los Angeles County Sheriffs Department , and Los Angeles County Medical Services Bureau official decision making channels,

1 653. and actions that were wide spread or permanent and well settled practices
2 or edicts and acts of subordinate officials whos conduct could fairly be
3 said to represent official policy, or municipal inaction,

4 654. on or about 02/12/13 through 03/02/13 and 03/10/13 through 04/02/13 and
5 05/13/13 through 05/08/14 plaintiff was subjected to policy or custom or
6 municipal inaction that failed to provide inmates such as plaintiff with
7 adequate screening for medical issues and or disabilities during intake to
8 a housing unit or a correctional facility or during trnsfer from one unit
9 or correctional facility to another, and upon release from jail, causing
10 plaintiff to be improperly classified or the needs of plaintiff to not be met
11 by the unit or facilitys available accomodations or resources, and therefore
12 violating plaintiffs right to adequate and proper medical care and plaintiffs
13 right to be free from cruel and unusual punishment,

14 655. on or about 02/12/13 through 03/02/13 and 03/10/13 through 04/02/13
15 and 05/13/13 through 05/08/14 plaintiff was subjected to policy or custom or
16 municipal inaction that failed to provide inmates who have disabilities that
17 substantially limit one or more functions of their bodys from receiving and
18 using equiptment, auxillary aids and assistive devices which are designed to
19 provide necessary assistance to inmates such as plaintiff, and failing to
20 accomodate inmates with similar disabilities with accomodations and services
21 that would provide assistance to inmates with disabilities and help them
22 meet the daily living needs that they require or the basic human needs and
23 functions that are necessary for life, and therefore violated plaintiffs right
24 to adequate and proper medical care, and plaint6iffs right to be free from
25 cruel and unusual punishment,

26 656. on or about 02/02/13 through 03/02/13 and 03/10/13 through 04/02/13 and
27 05/13/13 through 05/08/14 plaintiff was subjected to policy or custom or
28 municipal inaction which forced inmates with disabilities to be transferred

1 to other units and correctional facilities that do not have sufficient support
2 or resources available to accommodate persons with disabilities or special
3 needs such as plaintiff, therefore plaintiffs right to adequate and proper
4 medical care was violated, and plaintiffs right to be free of cruel and
5 unusual punishment,

6 657. on or about 02/02/13 through 03/02/13 and 03/10/13 through 04/02/13 and
7 05/13/13 through 05/08/14 plaintiff was subjected to policy or custom or
8 municipal inaction because plaintiff was denied perscription glasses that
9 he required for his vision impairment disability, and which he required to
10 perform his basic and daily living needs, therefore plaintiffs right to
11 adequate and proper medical care was violated and plaintiffs right to be
12 free from cruel and unusual punishment was violated,

13 658. on or about 02/02/13 through 03/02/13 and 03/10/13 through 04/02/13
14 and 05/13/13 through 05/08/14 plaintiff was subjected to policy and custom
15 or municipal inaction that failed to establish and maintain an adequate
16 classification policy with sufficient objective criteria to accomodate the
17 needs of the various types of inmates that are held in Los Angeles County Jail
18 and to seek out those inmates who require special accomodations to assist them
19 with a disability which substantially limits one or more functions of their
20 mind or body, then provide adequate services and accomodations to those inmates
21 on a daily basis, therefore plaintiffs right to adequate and proper medical
22 care was violated and plaintiffs right to be free from cruel and unusual
23 punishment,

24 659. on or about 02/02/13 through 03/02/13 and 03/10/13 through 04/02/13 and
25 05/13/13 through 05/08/14 plaintiff was subjected to policy or custom or
26 municipal inaction that demonstrated that Los Angeles County Jail Custody
27 Officials did not receive adequate training to deal with the needs and daily
28 issues of inmates with disabilities or inmates who suffer from impairments,

1 therefore, plaintiffs right to adequate and proper medical care was violated
 2 and plaintiffs right to equal protection of the law was violated and plaintiffs
 3 right to be free of cruel and unusual punishment was violated,

4 660. on or about 02/02/13 through 03/02/13 and 03/10/13 through 04/02/13 and
 5 05/13/13 through 05/08/14 plaintiff was subjected to policy custom or municipal
 6 inaction that demonstrated that Los Angeles County Jail Custody Officials
 7 did not receive adequate training to properly observe inmate activity and
 8 safety or maintain order in inmate living areas , therefore violating
 9 plaintiffs right to equal protection of the law and plaintiffs right to be
 10 free of cruel and unusual punishment,

11 661. on or about 02/02/13 through 03/02/13 and 03/10/13 through 04/02/13 and
 12 05/13/13 through 05/08/14 plaintiff was subjected to policy or custom or
 13 municipal inaction that demonstrated that Los Angeles County Jail Custody
 14 Officials did not receive adequate training to properly abate and prevent
 15 substantial risks of serious harm to inmates such as plaintiff, and therefore
 16 violated plaintiffs right to equal protection of the law and plaintiffs right
 17 to be free of cruel and unusual punishment,

18 662. the policys or customs or municipal inactions of defendants Los Angeles
 19 County et.al. , Los Angeles County Sheriffs Department, Los Angeles County
 20 Medical Services Bureau, Lee Baca, Terri McDonald, david fender, kelley fraser
 21 , ray leyva, ralph ornelas, karen dalton, kevin kuykendall, paul tanaka,
 22 described in this complaint amounted to deliberate indifference to the rights
 23 of inmates such as plaintiff who are held in Los Angeles County Jail under due
 24 process of law,

25 663. as a direct and proximate result of the customs or practices and policys
 26 of defendants, Los Angeles County et.al. , Los Angeles County Sheriffs Depart-
 27 ment, Los Angeles County Medical Services Bureau, Lee Baca, Terri McDonald,
 28 David Fender, Kelley Fraser, Ray Leyva, Ralph Ornelas, Karen Dalton,

1 kevin kuykendall, paul tanaka, described in this complaint, plaintiffs
2 rights were violated and plaintiff was exposed to several unnecessary
3 substantial risks of serious harm, then plaintiff was injured on or about
4 02/14/13 and 06/15/13 and 12/31/13, in that plaintiff suffered injury, pain,
5 loss, and emotional distress including damages and surgerys and pain and
6 suffering,

7 VI. DAMAGES

8 664. on or about 02/14/13 plaintiff sustained injuries and injury to his
9 eyes, plaintiff is informed and believes that this injury caused plaintiffs
10 right eye to suffer a detached retina, plaintiff also suffered pain and
11 suffering, and mental and emotional suffering,

12 665. on or about 06/15/13 plaintiff sustained injuries and injury to his left
13 eye, plaintiff is informed and believes that this injury caused plaintiffs
14 left eye to suffer a large hole, and a detached retina, and pain and suffering
15 and mental and emotional distress,

16 666. on or about 06/25/13 plaintiff required surgery to his left eye to repair
17 the hole in his left eye and to repair detached retina, and causing plaintiff
18 loss of visual acuety, flashing or flickering of areas in the field of vision,
19 distorted areas in the field of vision, dark spots, dark lines, extreme sen-
20 sitivity to light, eye watering, temporary loss of vision, eye spazums,
21 temporary dizzyness, and difficulty reading,

22 667. on or about 10/13/13 plaintiff required surgery to his right eye to
23 repair detached retina, and causing plaintiff loss of visual acuety, flashing
24 or flickering areas in the field of vision, distorted areas in the field of
25 vision, dark spots, dark lines, extreme sensitivity to light, eye watering,
26 temporary loss of vision, eye spazums, temporary dizzyness, and difficulty
27 reading,

1 668. on or about 12/31/13 plaintiff sustained injuries and injury to his right
2 eye, left eye socket, left cheek bone, nose and mind, causing plaintiffs right
3 eye to suffer detached retina and perforated areas in his right eye, and
4 plaintiffs left eye socket to be broken, plaintiffs left cheek bone to be
5 fractured in three places, plaintiffs nose to be broken, and several psychologic
6 disorders described below, causing plaintiff pain and suffering and mental and
7 emotional distress,

8 669. on or about 01/08/14 plaintiff required surgery to his right eye to repair
9 holes or perforated areas inside plaintiffs right eye that were causing retinal
10 detachment, and causing loss of visual acuety, distorted areas in the field
11 of vision, dark spots, dark lines, difficulty reading,

12 670. on or about 01/15/14 plaintiff required surgery to his left eye socket,
13 and left cheek bone to repair plaintiffs left orbit and shelf and repair three
14 facial fractures to plaintiffs left cheek bone, causing plaintiff loss of
15 sensation to his left cheek area, left upper lip, front left teeth, partial loss
16 of plaintiffs ability to smile on the left side of his face, and also causing
17 several complications to plaintiffs left eye from this surgery because plain-
18 tiffs left eye sank into the socket and plaintiffs lower left eye lid inverted
19 causing pain, discomfort, and double vision,

20 671. on or about 03/20/15 plaintiff required surgery to his left eye to repair
21 an area inside his left eye that could lead to retinal detachment in the
22 future, and causing plaintiff loss of visual acuety, distorted areas in the
23 field of vision, dark spots, dark lines, difficulty reading,

24 672. on or about 03/30/15 plaintiff required surgery on his left eye lid,
25 in an attemp to repair plaintiffs inverted lower left eyelid doctors grafted
26 skin from plaintiffs mouth to his lower left eye lid, plaintiffs left
27 eye was stitched closed for approximately 10 days while the skin healed,
28 unfortunatly plaintiffs lower left eye lid inverted shortly after this surgery,

1 673. plaintiff is still consulting with doctors who have discussed a treatment
2 plan with plaintiff that consists of approximately 3 to 4 more surgeries,

3 674. plaintiff will incur substantial medical expenses for the remainder of
4 his lifetime,

5 675. plaintiff has developed mental health issues and disorders due to the
6 incidents described in this complaint, which include but are not limited to:
7 post traumatic stress disorder, night terrors, flashbacks, panic attacks,
8 insomnia, constant fear, fear of people, fear of places, antisocial behavior
9 , anxiety attacks, extreme depression, heart palputations, emotional outbursts
10 mood swings, anger, ADHD, memory loss, obsesive compulsive disorder,
11 plaintiff will incur substantial mental health expenses for the remainder of
12 his lifetime,

13 676. plaintiff will require future in home care to assist plaintiff with
14 cleaning and food preparation, and various tasks that involve keen sight,

15 677. plaintiff has lost future potential earning capacity and future potential
16 income

17 678. plaintiff has lost substantial ability to enjoy lifes pleasures and
18 activities, or hobbys and entertainment that require keen sight,

19 679. plaintiff has been tramatized by the events described in this complaint
20 and will suffer substantial future pain and suffering and mental pain and
21 suffering,

22 680. plaintiff is disabled with permanent vision impairment and limited in
23 his abilities for the remainder of his lifetime,

24 VII. PRAYER FOR RELIEF

25 681. plaintiff has no plain or adequate of complete remedy at law to redress
26 the wrongs described in this complaint, plaintiff has been and will continue
27 to be irreparably injured by the conduct of defendants unless this court
28 grants declatory and injuctive relief and other such relief plaintiff seeks,

1 682. WHEREFORE, plaintiff respectfully prays that this court enter judgment
2 granting plaintiff:

3 683. a declaration that the acts and omissions described herein violated
4 plaintiffs rights under the constituion and laws of the united states and
5 the constitution and laws of California,

6 684. a preliminary and permanent injuction ordering defendants,
7 Los Angeles County et.al. , Los Angeles County Sheriffs Department,
8 Los Angeles County Medical Services Bureau, Lee Baca, Terri McDonald,
9 David Fender, Kelley Fraser, Ray Leyva, Ralph Ornelas, Karen Dalton,
10 Kevin Kuykendall, and Paul Tanaka to:

11 (1) restructure the Los Angeles County Jail classification system to
12 incorporate additional objective criteria that will allow officials to better
13 provide medical care, assistance for disabilities, mental health care, and
14 rehabilitation, and also reduce unnecessary violence among inmates who are
15 either prone to violence or vulnerable to violence, (2) develop better methods
16 that allow officials to provide assistance to inmate with disabilities, by
17 creating new forms of administration over treatment, equiptment, issues,
18 after care, and assistance to inmates who have legitimate disabilities which
19 substantially limit one or more functions of their body, or greatly impose
20 significant hardships on inmates basic daily living needs, (3) develop better
21 methods of implementing additional adequate and proper procedures to screen
22 inmates for known or unknown medical issues upon intake, upon transition
23 from unit to unit or facility to facility and prior to release, and therefore
24 create a system that allows officials to provide adequate and proper medical
25 care for serious medical needs before inmates are forced to suffer unnecess-
26 ary wanton pain or suffering, for various periods of time that may or may not
27 prevent or deter inmates from recieveing proper medical care prior to release,
28

1 (4) develop and implement methods of evaluation of the risks posed to inmates
2 , and the types of dangers inmates may face while incarcerated, then implement
3 strategy that is based on personality, past history of violence, past history
4 of gang activity, vulnerability, dorm or cell living compatability, and basic
5 understanding of jail life conditions and expectations upon intake and placemen
6 into inmate living areas, therefore assisting the classification process to
7 reduce unnecessary violence and unnecessary substantial risks of serious harm
8 (5) develop and implement a tracking and managment sytem for gangs and gang
9 members who are incarcerated in Los Angeles County Jail, then establish a
10 risk management system that identifies particular problematic issues or target
11 groups for each gang affiliation or belief system, therefore, reducing the
12 amount of gang related violence or victims of gang related abuse, and also
13 reducing the amount of control inmates can exercise over other inmates,
14 (6) develop and implement closed circuit surveillance equipitment and methods
15 to observe inmate living areas for inmate activity and safety, therefore
16 eliminating places that have blind spots or nidden areas in which acts of
17 violence often occur at the hands of inmates with evil or sadistic intent,
18 (7) develop and implement strategy and tactics that prevent or reduce inmates
19 control over other inmates, and inmates control over communications with
20 officials, therefore reducing the risks presented to inmates and also taking
21 back control of Los Angeles County Jail from inmates and giving control to
22 officials who are the true authority and safekeepers of the jail, (8) begin
23 a program that provides inmates with an easy to use process that allows inmate:
24 to request and obtain equiptment of devices that assist inmates with disabili-
25 ties, such as glasses, hearing aids, walkers, canes, etc.. within a resonable
26 amount of time or prior to release back into society , therefore improving
27 the quality of life for inmates with disabilities and also meeting the
28 minimum standards established by the constituion and the ADA act ,

1 (9) develop and implement pro-active information awareness methods that will
 2 allow inmates to enroll or participate in programs that rehabilitate, and pro-
 3 vide assistance to inmates upon release and that may improve the quality of life
 4 of an inmate who is re-entering society, therefore deterring inmates from
 5 committing crimes to survive and spreading awareness that there are programs
 6 that support inmates and that methods of assistance are available to inmates,
 7 both while incarcerated and post release programs and services, therefore get-
 8 ting to the root of the problem that each inmate faces when indigent and unable
 9 to find methods of assistance on his own, and providing one on one assistance
 10 to a variety of languages, races, religious, ethnic back grounds and and
 11 reconnecting them back to society or out reach programs and services that
 12 will help to reduce crime and prevent inmates from becoming helpless and des-
 13 perate such as plaintiff, (10) develop and implement strategy and administrat-
 14 ive management techniques to control items that can be used to create alcohol
 15 or be used as paraphernalia of drugs, and prevent such items from entering
 16 inmate living areas, such as plaintiffs, therefore reducing unnecessary violence
 17 among inmates, and substantial risks of serious harm to inmates, such as plai-
 18 ntiff, and develop additional tactics and strategys to eliminate contraband,
 19 685. award plaintiff the following compensatory damages against all defendants
 20 jointly and severally, as follows,
 21 as to past and future injuries plaintiff asks \$10,000,000
 22 as to past and future medical and mental care \$5,000,000
 23 as to past and future physical, mental, and emotional pain and suffering 8,000,000
 24 as to future in home care and assistance 2,000,000
 25 as to lost earning capacity and lost futur income \$10,000,000
 26 as to loss of enjoyment of lifes activties 5,000,000
 27 as to permanent disability of vision impairment \$10,000,000
 28 as to punitive and exemplary damages \$1,000,000

1 plaintiff requests nominal damages in an unknown amount,
2 for a combined total of damages of approximately, \$51,000,000 total.
3 686. plaintiff requests a jury trial for all matters triable by jury
4 687. plaintiff requests his costs and expenses in suit,
5 688. plaintiff requests reasonable attorney fees in suit,
6 689. plaintiff declines consent to magistrate judge jurisdiction,
7 690. plaintiff requests any additional relief this court deems just, proper,
8 and equitable

9 RESPECTFULLY SUBMITTED,

10 DANIEL COHEN AT4058
11 CALIFORNIA INSTITUTION FOR MEN
12 PO BOX 600
13 CHINO, CALIFORNIA 91708-0600

14 VERIFICATION

15 I have read the foregoing complaint with the assistance of a third party
16 to help me read and type this complaint, I hereby verify that the matters
17 alleged therein are true, except as to those matters alleged on belief and
18 information, and as to those, I believe them to be true, I certify under
19 penalty of perjury that the foregoing is true and correct.

20 DATED this 8th day of May, 2015

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